

## Gendering the Human Right to Water in the Context of Sustainable Development

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### Abstract and Keywords

The 2010 United Nations resolution on the human right to water urged the global community to accept and implement equitable access to safe clean water for all. In addition, the Sustainable Development Goals (SDGs), the development targets for the global community between 2016 and 2030, articulated the importance of two interconnected and important SDGs: the connections between gender equity (SDG5) and access to water (SDG6). Given these global policy imperatives, countries face normative goals of achieving difficult and complex sets of rights and justices regarding water and gender equity. As a result, how policy prescriptions and ambitions are materialized on the ground require closer attention to the ways that gender-water relations are co-constitutive of broader issues of development and social justice in any given context. More significant action is thus needed to address the socioecological issues that affect access to, control over, and rights to water, which have intersectional gendered implications and impact the lived realities of water justice and injustice on the ground. The chapter investigates the comparative politics around the human right to water and the increasing commodification of water through a gendered lens to interrogate broader sustainable development goals. The author argues that implementing the human right to water can help achieve broader issues of gender equity and gender justice when carried out with better intersectional understanding of gender.

Keywords: water, human rights, justice, gender, intersectionality, sustainable development

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### Introduction

Water is life, as water is the one thing none of us can live without. However, we are witnessing increasing water crises and water struggles worldwide, where 2.5 billion people lack access to affordable, reliable, safe, clean water daily. While some can take water for granted, others suffer from the lack of clean, safe, affordable water. There is a significant difference in the histories, spatialities, and social differences in who has access to and

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control over what kind of water across the world. Lack of clean safe water hinders well-being, public health, and overall progress of human societies as well as sustainable ecologies. Water is also essential for the abilities of all communities to flourish as a whole, as well as the abilities of individuals in every community to thrive. There is considerable variation in water availability across and between communities and countries, and many factors determine water insecurity. Water scarcity is a major cause of continued geopolitical tensions, intersectional suffering,<sup>1</sup> impoverishment, various forms of marginalization, and hindered upward mobility. Everything depends on water, ultimately, connecting across spheres of economy, society, politics, culture, environment, and spirituality. The need to view water as a many-splendored thing cannot be overstated. It is urgent and vital that we pay greater attention to the different ways that water insecurity affects people (Sultana and Loftus 2020). Water is vital for poverty alleviation and sustainable development globally. Water provision is increasingly framed as a moral and ethical responsibility for authorities as a way to move water beyond its economic valuation and the abilities of people to pay for it (Sultana 2018b). Building awareness and education on these issues can help promote understanding and acceptance of the importance of global water justice. Such concerns became starker during the COVID-19 global pandemic when lack of water for handwashing, sanitation, hygiene, and nutritious food compounded vulnerable peoples' sufferings worldwide (Stoler, Jepson, and Wutich 2020; Loftus and Sultana 2020).

The 2010 United Nations resolution on the human right to water urged the global community to accept and implement equitable access to safe clean water for all. In addition, the Sustainable Development Goals (SDGs), the development targets for the global community between 2016 and 2030, articulated the importance of two interconnected and important SDGs: the connections between gender equity (in SDG5) and access to water (in SDG6). Given these global policy imperatives, countries face normative goals of achieving difficult and complex sets of rights and justices regarding water and gender equity. In this context, how policy prescriptions and ambitions can be materialized on the ground requires closer attention to the ways that gender-water relations are co-constitutive of broader issues of development and social justice in any context. Given this, more concerted action is necessary to address the socioecological issues that affect access to, control over, and rights to water, which have intersectional gendered implications and impact the lived realities of water justice and injustice on the ground. The chapter investigates the comparative politics around the human right to water and increasing commodification and privatization of water through a gendered lens to interrogate the SDGs. I argue that implementing the human right to water can help achieve wider intersectional gender equity and gender justice and thereby contribute toward the goals of sustainable development and an inclusive vision of the future.

The chapter is structured as follows. I first discuss how and why water is an intersectional gender issue across societies, scales, policies, and governance structures. I then elaborate what the human right to water means and how gendering it is essential. I then discuss these in relation to the SDGs and growing crises of climate change and the commod-

ification and privatization of water. I conclude with the ways that gender justice, the human right to water, and SDGs are co-constitutive of each other.

### How and Why Water Is a Gender Issue

Many scholars have written about the terrains of gender–water relations (Cleaver 1998; Cleaver and Elson 1995; Crow and Sultana 2002; O’Reilly et al. 2009; O’Reilly 2006; Harris et al. 2017; Truelove 2011; Wutich 2009; Sultana 2009b; 2020). Water is very much a gender issue because women and girls are burdened with providing water for their families worldwide, under various patriarchal norms and practices of gendered divisions of labor that reinforce domestic and reproductive labor along gender lines. As a result, women and girls are often the managers of water in the home for various purposes, such as drinking, cooking, bathing, cleaning, sanitation, livestock and poultry management, kitchen gardening, and small-scale household-based economic activities. In many places in the Global South, while men generally engage with productive water, such as irrigation for farming, women are primarily responsible for reproductive water needs, such as domestic water, and thus responsibilities for household water security. However, many small farmers are women, meaning they must contend with water for both productive and reproductive needs. In other words, livelihood needs for water need to be accounted for beyond drinking water needs (Sultana, Mohanty, and Miraglia 2016; Hellum 2017). Diverse bodily needs of thirst, cleansing, purification, nutrition, sanitation, hygiene, and productive labor must become central to the focus of water provision, where access is not just about the physical distance to a water source, but about other barriers that exist, especially social access, cultural dynamics, and economic affordability (Hellum, Kameri-Mbote, and van Koppen 2015; Sultana et al. 2016). Equitable water access is also about the quality of water, not just quantities, as water is often dirty or contaminated even if available, as demonstrated from cases around the world, such as the Middle East and North Africa (Zawahri, Sowers, and Weinthal 2011), South Asia (Sultana 2011), and Southern Africa (Harris et al. 2018).

Overexploitation of the environment, ecological degradation, and contamination of water sources affect the poor disproportionately around the world, and, among the poor, this water insecurity impacts women and girls significantly, especially in female-headed households. For instance, in a study from Uganda, water insecurity analysis showed that women often consumed less water or were forced to use contaminated water sources, which caused worry and poor health (Tsai et al. 2016). A study from Bolivia found that emotional distress from lack of safe or reliable water fell disproportionately on women and girls (Wutich 2009). Similarly, a study from Bangladesh demonstrated that more women compared to men mentioned both the emotional and physical burdens of water scarcity for their households (Sultana 2011). Inadequate water supplies or lack of access to safe reliable water results in women and girls spending hundreds of hours a week globally fetching or securing precious water for their homes. Those who may have somewhat secure water access might not have control over this valuable resource. Insecurity of water affects not only the abilities of individuals to carry out daily tasks and responsibilities,

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but jeopardizes the well-being of the entire household. Girls often drop out of school and miss out on educational opportunities when they have to help fetch water for their families. For instance, in sub-Saharan Africa, a study found statistically significant differences between the number of school days missed by girls compared to boys due to water insecurity because girls had to prioritize water fetching instead of their education (Cooper-Vince et al. 2017). This has a significant impact not only on girls' education but also on the future of society as a whole as it impacts girls and women over their life cycles. Water insecurity causes women of all ages to lose out on income-generating activities, further opportunities for advancement, tending to other responsibilities, or even resting when they have to spend hours each day procuring water for their households. The various water crises globally thus have severe gendered ramifications that are both inter- and intra-generational, limiting the options and opportunities for millions of people across places and age groups. While there are commonalities across marginalized communities, the Global South is not an undifferentiated space. Differences by privilege within communities and countries, often correlated to class status, influence which households have better access to water than others in the same area. Nonetheless, significant commonalities result in millions of households across the Global South that do not have safe, reliable water on a daily basis.

Gendered differences in how people relate to water are influenced by a predominantly gendered division of labor in and outside the home, the relationship to water resources based on tasks and responsibilities, the valuation of women's and girl's labor and time, and their decision-making powers in general. Similarly, social norms of who does what also place differential burdens of water-related activities across different groupings of people (e.g., younger women are often tasked with water responsibilities whereas older or more senior women may not be) (Sultana 2009b). The relationship that marginalized groups have to water is often different from those who are less directly affected by or dependent on water daily. Men and women across social strata prioritize different aspects of water such as quantity, quality, reliability, timing, and cost. For instance, in a study from Bangladesh, men focused more on costs and prices, whereas women emphasized equity of access and improved services, as this reduces their burdens (Sultana 2020). The externalization of costs (that are physical, social, emotional) onto women and girls results in obscuring the true cost of obtaining water beyond its monetary price. In instances of no household water connections, women and girls in sub-Saharan Africa spent several trips per day to fetch water, each trip varying between 30 minutes to 1 hour (WHO 2017). Cumulatively, the relative time burdens are gendered invisible costs that vary comparatively across rural and urban areas in the same country and by social disparities (such as class, race), and across countries. Thus accessibility is a significant component of ensuring a gendered human right to water.

In an international comparative study undertaken by the World Health Organization (WHO) comparing the reliability of household water supplies, accessibility varied across countries (WHO 2017). For instance, Albania had 60% continuous daily supplies while Paraguay reported 86%. This also varies by season (e.g., dry seasons have more irregular water supplies) as well as frequencies of interruptions of supplies. The source of water

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varies considerably across regions and countries, and households often rely on multiple sources of water simultaneously; water obtained from piped water, boreholes (tubewells), surface water sources, rainwater, protected and unprotected dug wells, and springs. Having fixed infrastructure or technology in place does not mean reliable safe water supplies daily because water quality, accessibility, or reliability are frequently a problem. For instance, in many wealthier countries, domestic piped water supplies are vulnerable to shut-offs among poor communities (e.g., Flint, Michigan, in the United States), resulting in intersectional racialized and gendered sufferings in communities of color (Clark 2020). The quality of water available also varies considerably: in Bangladesh, 58% of water at source was contaminated with *Escherichia coli*, necessitating boiling of water to treat it (WHO 2017). This places additional burdens on households to obtain fuel or firewood, often a gendered labor and an additional household expense. Water requirements also go beyond drinking or productive needs of water, to issues of adequate sanitation, hygiene, privacy, gender-based violence in accessing water or sanitation locations, and a host of issues that can remain obscured or illegible at policy levels (Hellum, Kameri-Mbote, and van Koppen 2015). For example, a lack of sufficient toilet facilities for women and girls in communities results in them having to walk farther from their homes for sanitation and hygiene; this has resulted in cases of gender-based violence and assault in India and Brazil, among other places (Silva et al. 2020; Kulkarni, O'Reilly, and Bhat 2017).

Given global policy discourses on the need to advance gender rights and empowerment, ensuring the human right to water for women and girls becomes critical. This means that water must be available in sufficient quantity, quality, safety, affordability, acceptability, and reliability to reduce gendered burdens and consequences of water insecurity. Reducing the physical, economic, social, and emotional burdens of the daily toil of fetching or securing domestic and productive water is a way to ensure greater well-being and welfare of girls and women worldwide, especially in developing countries (Hellum 2017; Sultana 2011). Barriers vary by community and country, but often these are tied to lack of economic resources or social capital of households, political will of influential people to ensure broader water security, lack of legal instruments available to people to contest injustices, and lack of policy commitment to ensure the progressive realization of the human right to water (Sultana and Loftus 2020). Conversely, since water enables flourishing in other arenas of life for women and girls, ensuring household water security can mean achieving the goals of the SDGs more quickly overall. There are multiple avenues through which this occurs. First is the reduction of drudgery, precarity, suffering, and labor in having a secure water source. Then are the benefits of health and hygiene from clean water, and better food and nutrition options (from cleaning food items to having sufficient clean water to cook, bathe, and wash). Having time saved from waiting on or travelling to fetch water means that women and girls have educational, employment, and health opportunities, thereby reducing gender disparities. These have knock-on benefits of income, opportunities, well-being, and networking. Options to enhance choice, freedoms, and capabilities become possible when unburdened of the shackles of not having water. The foundational requirement of water for meeting any SDGs thus cannot be overstated.

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However, gender is often overlooked or dealt with in problematic manners in water management policies and water politics. Gender-blindness has been a common critique of policies and programs; only 37% of the countries affiliated with the UN produce sex-disaggregated data on access to clean water regularly, while the majority did so episodically (Seager 2015). Lack of regularity thereby reduced abilities to monitor and measure gender disparities in water at national levels and to address problems in timely ways. Furthermore, the differences between national- and international-level discourses around gender equity often do not translate to local levels, especially at community and household levels, where water insecurity remains rife. The disjuncture is profound when goals and policies prioritize technocratic and centralized planning and implementations while various social norms and patriarchy subvert or complicate the achievement of these. The differences between water users versus water managers, which often occur along gender lines whereby men occupy positions of decision-making and public power, as well as scalar disparities in materializing actualized gains of water policies that are equitable, continue to remain underinvestigated.

A recent study found a gender gap in freshwater tenure rights and human right to water in communities across Asia, Africa, and Latin America. The study analyzed 39 community freshwater tenure cases across 15 countries and found “Laws regulating community-based freshwater rights are typically gender-blind, with just one-third of legal frameworks protecting women’s rights to use or govern community freshwater resources” (Keene, Troell, and Ginsburg 2020, p. 35). The 13 gender-sensitive arrangements ensured women’s governance rights, participation rights, and user rights to water under national law. Comparatively, countries of Africa fared better, having specific legal language to ensure women’s rights to participate in and govern community water sources. Approximately 60% of African countries, compared to 44% of Asian countries and 15% of Latin American countries, provided gender-sensitive legal protections to ensure women’s rights to use and govern community freshwater sources (Keene et al. 2020). The study found that while 60% of the countries collectively studied had national-level protections for the human right to water, only 33% had specific provisions for women’s rights to water, participation in water governance, or to access dispute resolution mechanisms. These are essential components of ensuring a gendered human right to water since constitutional uptake of the rhetoric of gender equity often occurs without material operationalization on the ground if adequate mechanisms, financial support, and legal avenues are absent in overwhelmingly patriarchal contexts (van Koppen et al. 2015). A lack of meaningfully and adequately ensuring the protection of women’s human right to water not only undermines goals to empower women and gender minorities, but can also result in more significant burdens and marginalizations.

Furthermore, while gendered differences are predominant in most societies, this has to be filtered through intersectionality analysis. Intersectionalities by race, class, caste, disability, sexuality, and age are common ways that gender must be understood beyond the binaries of men/women because gender is co-constituted by other social axes of difference (Crenshaw 1991; Collins 2007). While class disparities are the most common markers of differentiation that allow wealthier women to have better access to safe, clean wa-

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ter more reliably (because of purchasing power, political clout, and social capital) compared to impoverished women in the same community, there are other variables (Rodina and Harris 2016; Sultana et al. 2016). For instance, white women in settler colonial contexts of the United States generally enjoy more privileges in secure water access than do racialized women of color, who are also often poorer, as demonstrated in the case of Flint, Michigan (Mayfield et al. 2017). In India, caste difference is often reproduced in higher caste households having more readily accessible and reliable water sources, while lower caste households (often more impoverished) have more insecure water access (O'Reilly and Dhanju 2014). These are just exemplars of the importance of understanding gender in intersectional ways (Cleaver and Hamada 2010; Crow and Sultana 2002). Thus, all invocations of gender need to be understood as *intersectional gender*, where gender is a set of power relations co-constitutive of other contextual axes of oppression. This means not seeing women as a homogenous or unitary category, but recognizing and addressing how class, caste, race, etc. come to intersect with gender in producing different gendered subjectivities in relation to water (Sultana, 2009b). While official data-gathering mechanisms don't always approach gender intersectionally, research studies have demonstrated the necessity of doing so.

## Gendering the Human Right to Water

Now let me turn to the human right to water, what it means, and why gendering it is essential. Human rights language in development policies and international aid has raised concerns whether these enhance human well-being or development (Bakker 2007). However, rights-talk has a powerful role in advancing justice and is often used by marginalized and oppressed groups. Rights often redress injustices rather than only alleviate suffering or address crises. Rights-talk can also promote institutional, policy, legal, and regulatory changes (Sultana and Loftus 2015). However, translating rights to actual change on the ground and practical implementation is where contestations can arise, in that issues of accountability, inclusion, transparency, political commitment, and democratic participation become controversial. A lack of clarity and different understandings of rights can result in confusion and obfuscation. Similarly, not everyone is knowledgeable about rights that exist and their abilities to exercise rights, are aware of the outlets for that, and how these rights sit alongside other realities of their lives. As a result, many rights remain on paper and not actualized. Rights are never static, or beyond politics; instead, they are forged, reconfigured, understood, and practiced through politics and power (Yuval-Davis 1997). Nonetheless, rights remain a powerful tool to redress injustices and foster collectivizing around water justice.

Any discussion on rights has to include a discussion of the state because the state has duties to rights-holders (Sultana and Loftus 2012, 2020). The progressive realization of the right to water is important as not all states can fulfill their obligation quickly (Heller 2020). Whether a country has legal instruments and legislation in place for the right to water to be realized remains critical. For instance, in South Africa, the right to water is enshrined in the constitution; conversely, in the United States, it is not (Conca 2005; Bond

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2012). This means that legal and policy instruments available to citizens to realize the right to water vary by country. Competing claims to the state's resources mean water is one of many issues that the state has to fund, legislate, regulate, and monitor. In addition to the state, non-state actors and civil society play an important role in ensuring the right to water is operationalized in meaningful ways. At the international level, the UN Office of the High Commissioner on Human Rights (OHCHR) has been instrumental in policy guidance on the human right to water. Civil society organizations, such as Blue Planet Project (Canada), Food and Water Watch (USA), Red Vida (Bolivia), Transnational Institute (Netherlands), and WaterAid (UK), among others, have been central to advancing the debates around the right to water at international and national levels, as well as mobilizing social movements around water justice. At local levels, many nongovernmental organizations (NGOs) are instrumental in enacting the right to water through their water, sanitation, and hygiene (WASH) programs; awareness and education campaigns; negotiations with communities and the state; and advocacy work.<sup>2</sup>

The human right to water in policy involves a range of issues beyond discursive uptake or constitutionalizing of the right to water; it extends to meaningful participation, decision-making, accountability, monitoring, and transparency in water governance. The right to water is about social relations: it carries both moral and political weight, and it should open up conversations about what is possible, rather than what is prescribed or reductionist (Rodina and Harris 2016; Sultana 2020). Constitutionalizing the human right to water doesn't necessarily produce material gains, as operationalizing the right requires ongoing efforts, whereby process comes to matter (Heller 2020). The right to water is often conflated to mean individual access to water as property, which is an incorrect assumption. While related, property rights being directly linked to the human right to water shifts the argument away from juridical powers and rights framework to property ownership, which is often historically skewed across societies; conflating to property rights also limits collective action among disenfranchised groups toward water access (Sultana and Loftus 2020). The right to water can enable collectivizing and mobilizing around ethical and moral claims on water too. It has been used to critique injustices in water management and inequitable development plans that involve water. The right to water can further be a strategic tool for the disenfranchised to have a voice. Rights language is often the only legible voice to powerful institutions and thus affords certain weight in invoking it. While rights can be claimed by those deemed to be citizens, even those not deemed to be worthy citizens can mobilize and use rights-talk to claim citizenship (Rüegger 2012). Some scholars posit that the right to water discourse can be important for advocacy and voice but it should be used strategically (Hall, Lobina, and Motte 2005; Swyngedouw 2005). Thus, translating abstract rights-talk to implementable policy and concrete outcomes takes intentional effort, including collaborations among people in various communities and those involved in legal, technical, policy, and academic fields.

For rights to be realized, it is crucial to recognize that rights involve responsibilities, which is not lost on the world's poor. They are not demanding free water when they invoke the right to water, but rather that they want to be included in decision-making about the equitable allocation of affordable water. For instance, in a study from Dhaka,



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Bangladesh, a higher percentage of women compared to men desired publicly provided (municipal) affordable water connections that enabled them to realize their human right to water; they equated publicly provided affordable water, instead of purchased water from illegal water vendors, as being tied to their understanding of being valuable citizens of the city (Sultana 2020). Often, rights language is used to promote the “public-ness” of water or the “commoning” of water, rather than the privatization of water which involves dispossession and exclusion (Yuval-Davis 1997). However, private corporations that promote the privatization and commodification of water, where profit motives drive water provision, have also appropriated human rights language problematically. They claim to be fulfilling the human right to water, but at a cost, which makes clean water unaffordable to many (Bakker 2007). Thus, communities fighting to realize the human right to water insist on clarification of the costs, accountability, and transparency of such efforts, frequently arguing for water to remain a public good (Sultana and Loftus 2012). Profit-seeking water industries that claim to be fulfilling the right to water do not necessarily mean the actual realization of this goal, as was evident in the Cochabamba water wars of 2000 (Mehta et al. 2014; Bustamante, Crespo, and Walnycki 2012). Thus, quantity is not the main criteria of the right to water, as quality, affordability, accessibility, availability, reliability, and acceptability are critically important (Heller 2020). By focusing on these criteria, the right to water can be actualized, rather than just simply expanding connections and providing expensive privatized water for purchase.

Rights operate in conjunction with social norms and power relations that affect water access, use, and claims-making in every context (Hellum 2017). Grounding the right to water through analyses of gendered struggles of water and claims to inclusive citizenship and democracy thus become necessary. A critical issue for understanding the right to water is that universal human rights are gendered (Zwarteveen and Meinzen-Dick 2001; Sangameswaran 2012; Zwarteveen 2008). Unfortunately, gender-blindness in water policies and programs often overlook this (Hellum et al., 2015). Debates on the right to water have focused more on issues of class and racial differences in access. Gendering brings to attention how a right to water is productive and generative for some people more than others due to alleviating gender-based labor and gendered social norms (as discussed in the prior section of this chapter). How women and men of different backgrounds and positionalities view rights is an important issue since formalization may not have much purchase if benefits aren't understood or materialized (Kanyongolo et al. 2011). Where the right to water has been officially accepted, these rights are not easily translated to women, who are the right-bearers, due to contextual challenges. For instance, in a study from Malawi, it was found that women rarely see themselves as rights-bearers and thus do not participate in water governance or hold service providers more accountable (Singh et al. 2008). A study of rural water supply systems in India found that women could not exercise their right to water due to existing sociocultural norms, beliefs, and perceptions that hinder the realization of their right to water (Ahlers and Zwarteveen 2009; O'Reilly et al. 2009; Truelove 2011). However, an urban study from Bangladesh found that women worked within their communities to mobilize claims to their right to water and advocate for public water services in their informal settlements (Sultana 2020). The comparative

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difference in each case results from greater local awareness of human rights in communities, involvement of NGOs in local areas that worked as a conduit between disenfranchised communities and state officials, and women working hard to ensure their voices were included despite patriarchal barriers to voicing public opinions in their communities. The state having formally adopted the human right to water in policy or law allowed communities to make claims to the state. Thus, both local and national adoption of the human right to water play important roles (Angel and Loftus 2019).

In sum, gendering the human right to water effectively means ensuring that women and girls, as well as men and boys, have equal access to realizing their right to water that is clean, safe, reliable, affordable, and acceptable. Failure of governments to ensure the right to water results in increased burdens for women and girls (Agarwal 2001; Sultana 2009a; Adams, Juran, and Ajibade 2018). These result in the reduction of rights to dignity and well-being. Gender equity and well-being are fostered through the provision of safe, clean, reliable water daily. Nevertheless, it has to go beyond just having water to influence decision-making and planning that affects water governance locally. The differentiated power relations and inequities that exist further disenfranchise impoverished people through the improper governance of water. Therefore, in advancing water justice that accounts for gender justice, attention is needed as to how water is governed, so that meaningful, inclusive, participatory, and democratic processes are created to actualize the human right to water (Hellum et al. 2015). Inadequate access to information and decision-making powers generally leave out the powerless from influencing policies that impact their lives. The social norms and regimes of gender participation and gendered exclusions can further discount women's and girls' voices and opinions in planning processes (Sultana 2009a). Powerful or elite women often capture attention but do not represent all women in their communities; representative inclusion thus has to go beyond essentializing that all women in a location share the same experience, since differences can exist across intersectionalities such as class, race, and so forth, even if women as a collective group may experience greater marginalizations and exclusions overall (Sultana 2009a; Agarwal 2001). Such meaningful attention to relevant intersectional differences allows for better achievement of the gendered human right to water in any context. Involvement of women has to be representative of the diverse groups of women, not tokenistic. This requires an intersectional understanding of gender and rigorous implementation where marginalized voices and experiences are accounted for. Tokenistic representation of women only in planning or management will fail to address issues of water injustice across class, ethnic, racial, caste, sexuality, and other relevant categories (Brown 2010). Intersectionality must be taken seriously in policy-making, decision-making, and institutional practices. Greater accountability and inclusion is thus necessary. The continued dispossession that many face in water governance policy and practice points to the great need to shift planning processes and project implementation toward more equitable systems that focus on social justice more broadly.

However, gendering the right to water requires ensuring women's participation in water governance in inclusive and representative ways without disregarding their other labor responsibilities. It can act as a triple burden for women, who then become responsible for

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domestic/reproductive and productive water and the community labor of participating in local water governance. Thus, due care in planning and implementation is necessary but not always sufficient. At the same time, it must not be assumed that just having women in decision-making spaces will result in their being heard or taken into account. Exclusionary politics exists everywhere, and feminist scholars have pointed to the ways that women are marginalized, silenced, spoken over, or ignored in most decision-making forums (Roth, Boelens, and Zwarteveen 2015; Zwarteveen and Meinzen-Dick 2001). Participation of women is crucial to ensuring gendered balance—but participation is a complex and problematic process where gendered exclusions are widespread. If the household is the unit used to determine the right to water, quantities may not be sufficient or equitably divided. Giving women specific rights to water can increase their bargaining power in and outside the household as well as make more secure their existing rights and resources (Harris et al. 2018). A comparative study of water user associations in South Asia found that more formal participation of women resulted in their benefiting more from water agreements, but gender biases that prevented women from participating had to be overcome first through training and awareness-raising (Meinzen-Dick and Zwarteveen 1998; Sultana 2009a).

Policy discourses that are not implemented conscientiously result in gendered impacts that can have opposite results, thereby linking the state to continued or new gendered neglect and sufferings (Flores Baquero, Jiménez, and Pérez Foguet 2016). This connects policy imperatives on the human right to water to formal gender equity policies and goals that are overtly, as well as not so overtly, stated in the policy documents of many nation-states (such as the SDGs). The connection between water policy imperatives and formal gender equity goals and policies becomes more apparent when analyzed together. Materializing the right to water thus becomes critical in empowering disenfranchised populations to access water as a group and address the gendered relations of power and division of labor in patriarchal contexts within these groups. Even in places where the right to water has been officially formalized in policy or law, these rights are not easily actualized for marginalized women, who are technically the right-bearers, due to contextual challenges (such as cultural perceptions, social norms, financial ability, and other factors). For instance, social barriers due to lack of household social capital and political connection, and poverty levels, precluded women in a study in rural Bangladesh from adequately accessing public water sources that existed or were installed on the lands of wealthier households (Sultana 2011). Class relations and political patronage saturated water access and household water security in this instance, whereby water comes to be about power. The price paid was intersectionally gendered and often silently suffered by poorer and younger women and girls. Social norms and power relations affect water access and use, and what may appear to be fair on paper may not in reality be so. Knowledge and information have to be widely available to and accessible by people, accounting for literacy rates and other social obstructions to accessing information. Lack of knowledge of rights and options can lead to being exploited by different constituents as well as not obtaining what is legally available.

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Translating the goals of the right to water to meaningful outcomes means addressing contextual socioecological relations of power. Gendered inequalities operate and manifest across a range of factors, and ignoring these intersectionalities results in failing to work toward gender-sensitive solutions. Policy discourses on commitments to fulfilling state obligations to the right to water often remain primarily lip service and are mired in a range of conflicts, cross-scalar politics, and water governance challenges in many countries around the world—whether it is for the racialized minority communities in Flint, Michigan, or the urban poor living precarious lives in informal settlements in Lagos, Nigeria, or Jakarta, Indonesia.

## **SDGs, the Right to Water, and Ongoing Challenges**

Human rights are always open to violation, and legal instruments cannot always powerfully change social dynamics. However, these systems and instruments are crucial to have in place to ensure that recourse and redress are possible. In addition, democratic institutions have to exist that enable equitable water governance and conflict resolution. Beyond formal institutions and legal mechanisms, women's struggles and self-organization (e.g., as in the Bangladesh case mentioned earlier, among others) point to the ways that gender justice goes beyond formal policy or planning and often work in conjunction with or in resistance to existing policies in place (e.g., failures to measure up to materializing gains of better water access). Thus, institutionalizing the right to water, and then operationalizing and maintaining it, requires sustained efforts by various actors. Broader gender justice and social justice goals are supported through the right to water when undertaken thoughtfully and methodically by different state and non-state actors, thereby linking the two SDGs of gender equity and water access. SDGs should be interpreted through a human rights framework, where the right to water is but one such example (Sultana 2018a; Buechler 2009; Tschakert and Machado 2012). Regular local monitoring of the implementation outcomes of the human right to water is essential for equity purposes because it contributes to the progressive realization of this right so that data on quality, quantity, availability, reliability, participation, and conflict-resolution are available (Heller 2020). Such data allow for comparative analyses but also address disparities and problems as they arise. This information can then inform national-scale data collection and analyses undertaken comparatively by international programs, such as the Joint Monitoring Program (JMP) of the World Health Organization and UNICEF, that monitor the progress of SDG 6.<sup>3</sup>

All the complexities detailed in earlier sections are vitally important in light of two growing crises that are affecting the human right to water and fulfillment of SDGs. First, climate change makes water more insecure, with variability in water-related events such as floods, droughts, and storms that place greater stress on water sources. This will further worsen gendered inequities in water. Climate change will exacerbate existing disparities and create new water crises, underscoring the need to have democratic and responsive

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institutions and mechanisms in place to respond adequately to changing circumstances. Given these growing challenges, we must consider local societal differences and realities more carefully in order to combat climate change's impact on realizing the human right to water in each context. The relationship between gender, climate change, and water is a growing body of scholarship that can lend insights (Sultana 2018a; Buechler 2018).

Second, commodification and privatization of water make water more unaffordable, especially for the world's poor, as water that is given a market value with a profit logic by corporations that control water extraction and distribution tend to strip water of all its other values (e.g., spiritual, cultural, social, collectivizing, etc.). This has severe impacts on poor women, especially female-headed households, as they are pushed out of the market when they cannot afford to purchase water that is priced to produce a profit (Brown 2010). When water is too expensive to purchase, households tend to use more readily accessible water sources that are often contaminated or insecure. However, increasing privatization of water utilities and water providers globally, often under the oversight of the largest water corporations (e.g., Suez, Veolia) and their subsidiaries, has appropriated the right to water language in bids to commodify and privatize water sources whereby clean safe water can only be afforded at a premium cost (Sultana et al. 2016; Sultana and Loftus 2012; Bakker 2007). To this end, keeping water as a public good promotes gender justice as the human right to water becomes easier to implement more fairly and equitably. Patriarchy and capitalist hegemony are linked, and privatization ends up being a process that enforces both (Jepson, Wutich, and Harris 2020). Water privatization is related to global austerity measures, global political economy of water, international donors/investors, and state policies, whereby local voices are often unheard or unaccounted for. Community-based organizations where gender is centered, accounted for, and heeded appropriately in context thus become essential to counter such forces, along with the work of various water justice movements (e.g., Food and Water Watch, Blue Planet Project, Municipal Services Project). Ensuring relationships that foster household water security over time are critical (Mehta et al. 2014; Joy et al. 2014; Jepson et al. 2017).

Considering both these challenges of climate change and commodification of water that are ongoing and becoming more prescient, it becomes even more important to ensure water governance that is attuned to gender justice, inclusive democracy, solidarity, and sustainable development. Critical effort must be enhanced to keep water in the commons, as a public good, with democratic water governance fostered and supported. Otherwise, any attempts to promote a culture or ethic of water justice will be subverted (Heller 2016). Therefore, there are moral and ethical imperatives in supporting endeavors and enhancing global education about all these issues in order to ensure the human right to water for all. The processes of realizing the human right to water become important beyond just the outcome (McDonald 2016). The global political economy of water is mired in a range of conflicting forces. However, in the context of development and aid in the Global South, there are continued problems of privatizing conditionalities from international donors, overlooking the violation of human rights for economic gain/growth, trade liberalization, and private water corporation takeovers of municipal utilities (McDonald and Ruiters

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2012; McDonald, Marois, and Spronk 2021). Such trends need to be watched more closely.

Whether the right to water can advance goals of gender equity and fulfill SDGs, and vice versa, must be interrogated contextually and with a critical understanding of the misuse of rights-talk as well as the failures of delivery and the processes involved. Nonetheless, meaningful implementation of the right to water has the real potential to advance intersectional gender justice. Translating the right to water on the ground means paying attention to local norms and power relations and not assuming that discursive claims or policy shifts will lead to changes in reality. No policy ever fully does, mired as policies usually are in socioecologies and power dynamics. While the progressive realization of the right to water can ease gendered burdens, it cannot solve all gendered discriminations, such as menstrual taboos and caste-water relations in places where this is prevalent. Patriarchy needs to be addressed and dismantled in each context. Similarly, class-based resistance to disenfranchised and minority groups being included in planning and decision-making are also challenges that need to be overcome. This is why the right to water has to be realized slowly and with due care, taking into account existing intersectional challenges and barriers. It is not an instant fix, but it has the powerful potential to foster solutions and open up spaces for difficult conversations needed to address inequity, exploitation, and injustice.

## Conclusion

This chapter has argued that gendering the right to water and showing how the right to water can advance the goals of the gender equity SDG can be mutually reinforcing. The right to water and gender equity are linked—the former can enable the latter, and the latter cannot be achieved without the former. Water justice requires attention to both the right to water and gendered power relations in local water governance and lived water realities. However, just providing water will not bring about all women's empowerment equally, as intersectionality analyses demonstrate that gender is co-constitutive of class, race, caste, etc. Nonetheless, not having water will impair the goals of gender equity. Each imperative thus must co-exist and co-evolve contextually to ensure equity and justice.

The human right to water does important discursive and material work, as it enables broader engagement with contestations over citizenship, democracy, and social justice. It highlights the uneven and inequitable access to water and the need for water justice. There is an ongoing need to push for both social policies and processes, as processes matter as much as policies that foster equity and justice. More financial commitment to universal access is necessary, as austerity measures in many countries do the opposite. Gender equity or gender justice are often worsened with the commodification and privatization of water. Privatization focuses on individualized gains and privileges at the expense of public equity and ideals of equality across differences.

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Making space for meaningful participation, accountability, and mechanisms for monitoring, transparency, and recourse is critical. Lack of participation, or even of consultation, have gendered implications that are inter- and intragenerational. This affects not only the poor, but also those who are further marginalized through race, disability, sexuality, religion, or other forms of locally relevant forms of intersectional difference. Gendered inequalities thus operate and manifest across a range of factors, and ignoring these, as is often the case, results in failing to work toward meaningful gender-sensitive solutions. If the normative global goals of the SDGs and the human right to water are to be fulfilled, feminist scholarship and lessons learned from local social justice movements *both* need to be engaged more critically and thoughtfully in policy-making, planning, implementation, and evaluation.

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### **Notes:**

(1) *Intersectionality* means the overlapping oppressions that people experience, and these axes of social difference generally occur along the intersecting lines of gender, class, race, ability, age, and so on that are most relevant in a place (Crenshaw 1991; Collins and Bilge 2016). For instance, some women of color experience oppression due to both their

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gender and their race. An impoverished person with a disability faces more structural barriers and challenges than a wealthy person with the same disability. Intersectional suffering thus differentiates people within the same society.

(2) There are increasing numbers of NGOs (or nonprofits) involved in water provision globally. These range from large international ones with local affiliates across countries (e.g., WaterAid, Charity Water, etc.) to innumerable local or national water-focused NGOs across countries funded through various sources.

(3) JMP is shorthand for WHO/UNICEF Joint Monitoring Programme for Water Supply, Sanitation and Hygiene at the United Nations. While this is a popular source of data, there are limitations in the JMP monitoring system (Zawahri, Sowers, and Weinthal 2011).

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