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## Gendered Labour Divisions and a Reconception of the Right to Water

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### **Biography**

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## Abstract

Economic theories have typically failed to adequately take into account gendered divisions of labour and, in doing so, fail to recognize the economically productive labour of women around the world. Women spend countless hours engaged in water fetching activities for drinking water, cooking, cleaning, and sanitation purposes. Water collection is not considered to be work as it does not, in the case of domestic collection, result in a transfer of money contributing to the belief that women's time and labour is less valuable than that of men. While the right to water and sanitation notes the importance of gender equality in its realization, the right fails to adequately take into account the way women are disproportionately burdened by water-related activities which in turn increases the burdens and stigma attached to water fetching. Thus, what is needed is a reconception of the right to water in terms of relationships.

## Keywords

Safe Water, Human Rights, Women, Labour

## Introduction

Over the last several decades increased attention has been drawn to the gendered differences in both unpaid and paid work, and valued and devalued work. In her book *Counting for Nothing*, Marilyn Waring argues economic theories fail to adequately take into account the gendered divisions of labour and in doing so fail to recognize the economically productive labour of women around the world (1999). The collection of water is one such task that is highly gendered and not typically considered to be an economically productive activity.

In light of the gendered dimensions of water collection, this paper focuses on the right to water and sanitation and the ways that the right has impacted, and been impacted by, gendered divisions of labour. The current conception of the right to water and sanitation does not adequately acknowledge the undue burden that is placed on women through the recognition of the right. Therefore, the right to water and sanitation must be reconceived so as to demonstrate an appreciation of the unpaid and devalued nature of water collection. The first section of this paper outlines the human right to water and sanitation to provide a background into the policies and literature on the right itself. In the subsequent sections, I question whether the right

does enough when it comes to women and water collection. Essentially, the question is what is missing from the understanding of the right to water and sanitation when it is conceived of in the way that it has been since literature and policy on water rights remains relatively blind to the effects the right to water has on women and their unpaid and devalued work of water fetching. I suggest that what is needed is a reconception of the right in a way that is relational so as to recognize the valuable work of water collection and the social connections between duty bearers and rights holders that allows responsibility to be appropriately distributed and acted upon when structural injustices occur.

### **A History of the Right to Water and Sanitation**

Since the 1980s, secure and sustainable access to safe drinking water has been a pressing issue in both international diplomacy and aid. Historically, literature on rights has failed to include access to water as a right with the notable exception of Henry Shue (1996). In 2010, the United Nations formally adopted the right to safe and clean drinking water and sanitation<sup>1</sup> as a human right (United Nations General Assembly 2010) and officially entered this right into international law through Resolution 15/9 (United Nations Human Rights Council 2010). A critical component of the Resolution 15/9 is that it calls upon states to pay attention to marginalized individuals and groups by respecting the principles of nondiscrimination and gender equality when working towards the realization of the right to water. Resolution 15/9 also stresses the importance of international cooperation between states, organizations, and donor agencies urging actors to adopt a human rights approach in development related to accessing safe drinking water and sanitation. The Resolution also emphasizes that cooperation and technical assistance is crucial to the timely achievement of the water and sanitation related Millennium Development Goals (United Nations Human Rights Council 2010).

In examining the right to water, it is important to draw upon water and sanitation policies promoted at the international level as these are, at least in part, designed with the fulfillment of the right in mind. In 2000, the Millennium Development Goals (MDGs) were established at the Millennium Summit in New York City. Target C of MDG 7, on environmental sustainability, aimed to halve the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015 (United Nations

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1. Hereafter referred to as the right to water.

General Assembly 2000). The Joint Monitoring Programme for Water Supply and Sanitation (JMP), a collaborative effort by UNICEF and the WHO, was charged with measuring the water target and did so through the examination of (i) the proportion of people with sustainable access to an improved water source<sup>2</sup> in urban and rural areas; and (ii) the proportion of population with access to improved sanitation in both urban and rural areas (UN Millennium Project). As I shall argue, however, the distinction between a “safe drinking water source” and an “improved drinking water source” is an important one with serious consequences for measuring the success of MDGs.

While the sanitation goal was not reached, the MDG drinking water target was achieved in 2010, five years ahead of schedule. An estimated 2.6 billion people gained access to an improved drinking water source between 1990 and 2010. This success meant only 663 million people remained without improved drinking water sources (United Nations 2015, 58). However, a 2012 paper by Onda *et al.* argues there are approximately 3 billion people using unsafe drinking water: 783 million using water from unimproved sources (assumed unsafe); 1 billion using faecally-contaminated water from improved sources; and 1.2 billion using water from sources at risk of faecal contamination (2012, 881). Thus, many people using improved water sources are nevertheless consuming unsafe drinking water.

The World Water Assessment Programme (WWAP) acknowledges that the term “improved water sources” was used in place of “safe water sources” because there were no practical means “to measure the ‘safety’ of the water sources people use” (2015, 15). WWAP also recognized the fact that, as Onda *et al.* pointed out, not all improved water sources contain safe water. An unintended consequence of the use of “improved” over “safe” as the indicator resulted in the redefining of the target. Thus, claiming the original target has been met is misleading since what has really been met is a “new and unintended MDG target for ‘improved water’” and this *new* target can “send decision-makers in the wrong direction” leading them to believe that Target 7C was met and the problem solved, when in reality much work still remains to be done (15). Nevertheless, the limited realization of access to safe drinking water and sanitation has disproportionately impacted the poor, women, and children. This is, in part, due to the fact that water policies lack gender perspectives and local knowledge relying instead on generalized perspectives (WWAP 2015).

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2. An improved water source is “a facility that, by nature of its construction, is protected from outside contamination, in particular contamination from fecal matter.” See UNICEF and World Health Organization, 2012, *Progress on Drinking Water and Sanitation 2012 Update*, 4.

The Sustainable Development Goals (SDGs) came into effect January 1, 2016 and step in where the MDGs left off balancing the three dimensions of sustainable development: economic, social, and environmental (United Nations 2016, 2). Most explicitly, the SDGs prioritize those individuals and groups who are furthest behind and, therefore, often overlooked in policy work. In doing so, the SDGs hope to correct the uneven progress made in development as a result of the MDGs (11). A running theme throughout the SDGs is its intended focus on gender equality and women's empowerment. Goal 6 is to ensure availability and the sustainable management of water and sanitation for all by 2030. Of specific importance are goals 6.1: universal and equitable access to safe and affordable drinking water; and 6.2: achieve access to adequate and equitable sanitation with special attention paid to the needs of women and girls (15-16).

The right to water does not explicitly mention the role of women and girls in the fulfillment of the right, but it does emphasize the importance of nondiscrimination and gender equality. The SDGs place a stronger emphasis on the role of gender equality and women's empowerment in the success of the SDGs. Still, literature and policy on water rights remains relatively blind to the effects the right to water has on women and their unpaid and devalued work of water fetching.

### **A Critique of the Right to Water**

Water collection is a feminized activity and as such women and young girls typically shoulder the responsibility for water collection. In total, African women alone spend an estimated 200 million hours per day collecting water using 40-pound jerry cans (Pommells 2014, 5). Even while knowing the importance of access to clean water, the task of water collection continues to be labour that is both devalued and unpaid for many women.

Women's work, especially in the domestic sphere, has been largely conceived of as economically unproductive. Waring argues economic theories fail to adequately take into account, if at all, the gendered divisions of labour and as a result fail to account for the economically productive labour of women around the world. In effect, women's work is considered to be of little to no importance and all nonmonetary activities (which are typically conducted by women) are excluded from traditional understandings of productive labour.

*Devaluation of Women's Work*

Women's work has been and continues to be devalued and underpaid. Water fetching is just one of the "burdens" shouldered by women. Girls are socialized into their roles and expected to participate in gender specific tasks, including water collection, from a very young age. In 44 of the least developed countries, women are the most common water carriers (Pommells 2014, 5). In her research of water collection and sanitation in Uganda, Pommells notes that male respondents acknowledged the fact that taking on women's responsibilities would lead to feelings of shame in men and could result in a damaged reputation amongst the community. The fear of shame and a damaged reputation was so strong that respondents unanimously agreed that in the event of a woman being sick or injured she must find another woman in the community to take on her responsibilities or fulfill her responsibilities *in spite* of being ill or injured (Pommells 2014, 33). It is not considered acceptable for the men to collect water for their families even when their wives, mothers, or daughters are unable to do so due to illness or injury.

Water, as a naturally occurring resource, has often been considered a free gift from nature and the property of the commons (O'Neill 2018). Water as a naturally occurring and accessible source is economically valueless. It is only once water requires productive processes that water is said to have a value. Literature on water-pricing claims there is no one true cost of water; rather, the true cost of water depends on a number of variables including (i) capital for infrastructure; (ii) operating costs for pumping, treating, and supplying water; and (iii) management costs for running the bureaucracies responsible for water delivery (O'Neill 2018).<sup>3</sup> Thus, the commodification of water is understood as valuable insofar as the cost of water covers the economically productive labour that is required to ensure access to safe water. The significance of water has often been underplayed just as the significance of women's labour has been ignored. This devaluation is especially the case when exploring the integral role women have played as educators and safeguarders of matters connected to water and sanitation (Waring 1999, 208). Women's work is devalued. Matters connected to water have typically been the work of women across many cultures. Thus, water itself and activities connected to water (cooking, collection, sanitation, hygiene, cleaning etc.) can be said to be devalued in society.

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3. There are only three ways to cover the true cost of water: transfers, tariffs, and taxes. See O'Neill 2018.

*The Unpaid Nature of Women's Work*

The labour force is typically understood to involve those people, of working age, who are formally employed or seeking formal employment and so excludes those individuals who work in the informal sector or those who do work as "housewives". GDP is measured in terms of the value of the goods and services produced for money in the economy - it is the work we do for money. Labour productivity refers to "the quantity of goods and services that can be produced by one worker or by one hour of work" and leads to increases in the real Gross Domestic Product (GDP) (Hubbard *et al.* 2015, 251) Unfortunately, measuring labour productivity and GDP in purely economic terms excludes work that is not performed for money. This, economist Jim Stanford (2015) argues, is arbitrary and misleading since many of us perform unpaid activities both within and outside the home.

In many cases, this labour (cleaning, cooking, child care) is outsourced to people who work for pay (cleaners, chefs, nannies) in which case it would be included in the GDP. Not everyone, however, has the ability to pay others to do these tasks and if one does it within the home, then it does not count as "productive labour" according to the GDP. Thus, the GDP underestimates the economic contribution of women since it misjudges their productivity and undervalues the unpaid work, done primarily by women, within the home and community. A purely economic understanding of what constitutes labour is deeply flawed. Seemingly, part of the problem economics has with domestic work is the fact that it has been traditionally unpaid work and highly devalued by society. The work women do in an unpaid capacity in their homes is simply considered housework and a natural extension of women's physiology and psychology when it reality sexism at home and in the workplace has a lot to do with gendered divisions of labour. This leads to the invisibility of women in economics and labour statistics further reinforcing ideas about paid and unpaid work (Waring 1999; Beneria 2003; Stanford 2015 ).

The United Nations System of National Accounts (UNSNA) outlines what constitutes production and in doing so excludes household labour from the production boundary. This has resulted in the underestimation of "the nature and extent of productive labour in which rural women are involved as well as the actual number of women employed" (Waring 1999, 60). The UNSNA was revised to include more nonmonetary activities in 1968 but water collection was still excluded from traditional understandings of productive labour (64). Water collection is unpaid work because it is viewed as a part of housework, and therefore, the responsibility of the housewife.

Historically, participation in the labour market was understood as work for pay or profit (Beneria 2003, 133). Drawing on the writing of Margaret Reid, Beneria and Waring both note their views on work are at odds with economic theory. Reid defines “economic activity” as “any activity culminating in a service or product, which one can buy or hire someone else to do” regardless of whether pay is involved (Waring 1999, 21).

In thinking about water collection, it is also important to consider the ways women’s time has been impacted by and through the devaluing and unpaid nature of the work. Drawing on reproductive examples, Waring argues women’s time is seen as valueless. Women’s time is often devalued when women are alive and yet once they are dead their time is seen as valuable. Citing *Legare v. United States*, a surviving husband received USD\$125,100 (\$98, 838 for the loss of his wife’s services alone) to be used to provide a home for his children and hire domestic help to run the home and administer to the children (Waring 1999, 164-165).

If we understand work as an activity that culminates in a service or product, which one can buy or hire someone else to do then water collection ought to be considered work. When women are present in a household the expectation is that they are primarily responsible for water fetching. That being said, many people rely on vendors to supply them with water and are willing to pay for this service. It is not a stretch to say that when there are no women in the household, men are more than happy to pay for the services of water-vendors to avoid being engaged in the shameful and degrading act of water collection.

Many people are employed in the paid informal water-vending sector, though these individuals are generally male. Drawing on the Ugandan example where men are shamed for collecting water, paid water vending is considered less shameful than collecting water for their own households.<sup>4</sup> Kjellen and McGranahan affirm this sentiment stating that in Tanzania women and children were effectively universally responsible for water collection *but* water vendors were invariably men (2006, 14). This is not to say there are no women water-vendors. After seeing the earning potential of male water-vendors, women have taken on paid water-vending work (14). Hence, when the work is devalued and unpaid, it is the females’ responsibility to collect water, but once money is involved men are more than willing to participate in water-collection.

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4. This conclusion is drawn from my experience in Uganda where most, if not all, water-vendors I saw were male.

The actual distance women must travel to collect water also acts as a barrier to accessing safe water. The United Nations defines reasonable access to an improved water source as distance less than 1000 metres from a house to the improved drinking water source (United Nations 2014). A two-kilometre roundtrip to collect water may not seem *unreasonable* to policymakers but water collection is a time-consuming and physically demanding journey, especially when one needs to collect water more than once per day. Thus water collection takes up several hours of a woman's day preventing them from engaging in income-generating activities.

Even so, many women travel much further than the one-kilometre to reach their water source. A woman in Asia or Africa is estimated to travel approximately six kilometres to collect water (UN-Water Decade Programme on Advocacy and Communication and Water Supply and Sanitation Collaborative Council 2016). Furthermore, defining reasonable access as less than one-kilometre away from an improved water source does not consider the terrain travelled by women and young girls to collect water. It takes considerably less time to walk one-kilometre on level ground than it does to walk the same distance over rough and mountainous terrain. In defining reasonable access in this way, the United Nations does not account for the varying amounts of time it may take for different women to walk across different terrains to access safe drinking water.

The devaluing of women's time is also present when we consider that girl children are more likely than their male counterparts to be involved in water-fetching activities. Since water collection is a time-consuming task, girls are often less likely to attend school, making the task highly gendered with serious implications for the educational welfare of girls. Lack of sanitation facilities in schools and the shame associated with menstruation leads to tremendous numbers of girls leaving school once they reach puberty. Additionally, over 840,000 people (361,000 children under five) die every year from diarrhoeal disease caused from unsafe drinking water, sanitation, and hand hygiene (World Health Organization 2016). This further burdens women as it is their responsibility to care for children and family members, especially when those individuals are sick.

Along with being time-consuming, water collection is also a dangerous task and women are at risk of attack or sexual assault when walking down the isolated paths across remote terrain to reach the water source. Pommells' findings suggest the dependability of women's water collecting routines and the long distances travelled to the water source allowed men the opportunity to attack women (2014, 40). Women

and girls are also vulnerable to danger when relieving themselves, as urination and defecation are shameful and often only done in private during the night.

### **The Power of Rights**

As I have argued women's work as water collectors is devalued, unpaid, time consuming, and dangerous. The question remains, does the right to water appreciate the burden placed on women through the realization of the right. When work is divided along gender lines and shame and stigma are attached to the act of water collection, the right to water may serve to increase the burdens on women and reinforce social and cultural norms about water collection. The right to water is concerned with providing access to clean and safe drinking water for all. I propose, however, that in doing so the right fails to adequately consider the ways water collection is a gendered task and so fails to see the fulfillment of the right to water as necessarily bound up in the relationships amongst people, water-providers, policymakers, and the water itself.

Human rights, Fiona Robinson argues (2003), must be understood as connected to power disparities and political practice and as such must be understood as inherently political. The right to water is no exception. Rights are often criticized for being isolating, alienating, and unrepresentative of the needs and reasoning of many women around the world. The liberal understanding of rights is of little relevance when articulating and addressing the problem of ensuring people have access to safe water. This is because to make moral and political sense of the need for safe water requires attention be paid to patterns of responsibility and care at all levels of society including within and among nation-states, communities, and families. These patterns of responsibility should also be problematized. Just as we cannot "add women and stir" to our political theorizing, so too must we recognize the fact that we cannot simply "add rights and stir" nor can we ignore the fact that rights, while traditionally a tool for challenging existing power relations, "are also a tool used by the powerful for maintaining [existing power relations]" (Robinson 2003, 94).

It is true that international agreements are often unenforceable at the local level. While a nation may choose to ratify the right to water this does not mean in actuality that the right will be fulfilled, nor does it mean the government will work towards the realization of the right. The right to water, though entered into international law, is a non-binding agreement and little can be done if a nation fails to comply with or does not enforce the right in its national policy. Nevertheless, national governments often model their laws on those found in the international arena. Hence, the adoption of the

right to water may still act as a stepping-stone for governments to entrench the right in their own systems of law. Many countries have enshrined the right to water in their respective constitutions. Recognizing the right to water and sanitation as a human right is thereby useful in drawing attention to those people who are unserved or underserved with regards to safe water and sanitation and allows people the ability to demand their right to water be fulfilled by the relevant others.

Naila Kabeer argues, in her discussion of international labour standards (2004), that we should be skeptical of the idea that the working poor would be better off if international labour standards were enforced globally. Portrayals of the women working in Third World factories describe the women as helpless victims, homogenous, faceless, and voiceless. These portrayals provoke and justify the global north's action *on behalf* of the women workers who are seen as unable to help themselves creating a politics of misrepresentation. In actuality, working in factories may be liberating to some women as it provides them with a source of income they may not have been able to access previously. The women are aware of the exploitation they face working in the factories but also acknowledge the material and personal benefits they receive from the work they do, an aspect Kabeer argues is often neglected in the literature (2004, 19).

Kabeer is correct in arguing that portrayals of Third World women often depict the women as faceless, voiceless, homogenous and victims. This is indeed a problem with rights literature. Water collection, though a feminized task, need not always represent the exploitation of women's labour. Female water collectors, like women factory workers, may still extract benefits from the task even while understanding the exploitation and dangers they face as a result of their labour. Poor sanitation and hygiene can lead to immense shame for women and so the act of water collection may be one way that women restore their dignity. Water fetching may also provide an opportunity for women to talk and socialize with other women in their communities. The water source may act as a meeting point for social discussion. The water collection and the socialization that goes along with it may be aspects that women feel are meaningful to their lives regardless of the exploitation the global north may observe in these contexts.

Women are not victims of their situations; many women are working together to address their water and sanitation needs through the use of water credits where communities take out small loans for household water connections and toilets ("Women and Water" 2017). Women are, thus, actively pursuing access to safe water. Making the work of these women visible can lead to a challenging of the current world

order and in doing so reconceptualize women as agents rather than victims (Mohanty 1997).

### **Reconceptualizing the Right to Water**

In the process of realizing the right to water, the MDGs placed the onus on individual nations to halve the proportion of people without access to improved water sources and the SDGs have endorsed a similar sentiment. While the SDGs place some responsibility on the part of the international community and moneylenders, the primary onus for fulfilling the SDGs is on individual nations, who often are forced to borrow money to implement changes. This fails to take into account the reasons a country may be impoverished and unable to achieve the SDGs in the first place. This, in combination with rights literature viewing individuals as isolated from others and being unrepresentative of the needs of women, has created a lens where the position of women is not adequately appreciated by the right to water as it is currently conceived.

Rather than eliminate rights talk altogether from the water literature, rights ought to be reconceived so as to account for the relational experiences present in the everyday lives of people. Rights language is useful in articulating people's claims to certain goods and services, in this case access to safe water and sanitation sites. Rights language, in allowing people to articulate claims to safe water, among other things, also outlines the relevant duties created as a result of some object X being a right (O'Neill 2018). Consequently, failures to fulfill obligations to the right can rightfully be called "violations". In this way rights language is compelling to individuals, governments, and institutions. Beyond this, rights language is also embedded in our laws and international policies and so in order to work in and with institutions one is committed to using rights language.

Jennifer Nedelsky (1993) raises three critiques against rights talk in order to show how reconceiving rights as relationship is able to overcome these criticisms. These critiques are: (i) rights are individualistic; (ii) rights disguise real political issues; and (iii) rights are alienating.

The first critique raised is that rights talk is individualistic and fails to consider the ways in which we are constantly engaged in webs of relationships. The relationships we *choose* to be a part of are shaped by the relationships we are in. For Nedelsky, humans "are both essentially individual and essentially social creatures" (1993, 13). In addition to the way humans are shaped by relationships, rights construct relationships of power, responsibility, trust, and obligation. It is proposed that relationships become

the central focus when working with rights so that we are better able to concentrate on the kinds of relationships we want to foster (at interpersonal, local, national, and international levels) and how we can best contribute to that fostering. In doing so, we are able to overcome the challenge that rights are undesirably individualistic.

Rights talk "obfuscate[s] the real political issues" (1993, 11). Nedelsky's claim is that when rights discourse is seen as central to political debate, it misdirects political energies and, ultimately, confuses rather than clarifies the issues at hand. Drawing on the example of property rights, the assertion that I can shut down my factory any way I please simply because it is my property either asserts a tautology or a historical claim, neither of which serves to open up a dialogue about the issue at hand. Instead, we should view property rights as an important vehicle for the structuring of power relations and "a means of expressing the relations of responsibility we want to encourage" (16). Doing so allows us to start the debate on property rights in a useful way and grasp the issues at large. Understanding rights as reified, that is as fixed entities with meanings taken for granted, prevents recognition of the ways that rights are collective choices that require constant evaluation (16). The fact that the international community has ratified the right to water does not mean that we cannot or should not challenge the definitions being given for the right's fulfillment. Nor does it mean that we ought not question who has responsibility for right's fulfillment in particular contexts or how the right ought to be fulfilled. According to a rights as relationship approach, we should invite inquiry into our conception of rights so as to ensure that we are properly interpreting rights in terms of the structure of relationships that are at play.

The final criticism of rights talk is that rights are alienating and serve to distance people from one another. Thus, rights, as they are traditionally interpreted, allow us to avoid seeing some of the relationships we are engaged in. In doing so, we are able to hold the belief that we are not responsible for the consequences of our actions and inactions whether they occur close to home or in distant parts of the world. Drawing on the example of private property, Nedelsky argues our right to private property inevitable means that some people will be rendered homeless given our ability to exclude certain persons (including the homeless) from our homes (1993, 17). We must recognize the social consequences of our being rights holders. My owning a safe water source (well) means that I can exclude others from having access to it thereby blocking access to safe water from others. Though across many historic societies "The Right of Thirst" was often employed whereby a person in need of water is able to gain priority access to the water source and cannot be denied drinking water (Salzman 2012).

Moreover, my buying Nestle water to secure my own access to safe water impacts the persons who go without access to safe water as a result of Nestle's extraction of water or contamination of water sources.

What do these criticisms of rights talk mean for the right to water? Traditional rights theory typically views persons as isolated, atomistic, and fully rational and autonomous individuals. This, however, is an inaccurate representation of the human experience. A crucial part of our becoming autonomous agents, the kind of persons who can bear rights, is that we are bound up in relationships with others. We are born as interdependent beings and this interdependence is a necessary and vital component of our lives and it is only through our relationships with others that we are able to lead flourishing lives (Nedelsky 1993). These relationships exist at the interpersonal, local, national, and international level. Examining the right to water in this light views both individuals as capable of fulfilling their rights and states as fulfilling the rights of their peoples. A state's building and maintaining of an improved water source within a reasonable walking distance (1000 m) from home to source is a fulfillment of the right to water. However, this ignores the gender inequalities that exist and are exacerbated by water related activities.

That there is a water source does not mean those nearby have their rights met. That is, people with an improved water source less than one kilometre away do not necessarily have secure and sustainable access to safe water (i.e their right fulfilled). Rather, someone must collect that water and bring it back to the household. This is a task primarily reserved for women and girls. Children, sick, aged, and individuals with disabilities may constitute groups that are unable to secure access to safe water for themselves because of the physically demanding nature of water collection. In such cases, someone, typically women, must provide water to these dependent individuals. This dependence ought to be recognized in discussions about fulfillment strategies for the right to water. Of course, non-disabled persons often have water provided to them by their mothers, wives, and daughters and this work is rarely recognized as labour. Previous sections of this paper have highlighted the undue burden that is placed on women through the recognition of the right to water and the nature of male shame and stigma that prevents men from collecting their own water or water for their families.

Problematically, the onus on fulfilling the right to water is placed on individual nations. Canada, for example, is responsible for ensuring its citizens have access to drinking water and sanitation. This viewing of nations as isolated from one another disguises the complex reality faced by nations today. Many nations have been unable

to secure the right to water for their citizens at least in part because of (i) the way our current transnational production and exchange occurs; (ii) the kinds of inequitable relationships we hold by way of upholding global inequity through commerce; and (iii) the imperialistic tendencies of the global north that allow them to shape international agreements (Miller 2009).

In 2010, the United Nations General Assembly voted to adopt Resolution 64/292 on the recognition of access to clean water and sanitation as a human right. 122 governments voted in favour of the Resolution, 41 governments abstained from voting, and no governments voted against the Resolution. The passing of Resolution 64/292 and subsequent water-related resolutions shows the importance of the issue, an issue that required action by national and international policymakers. Many of the 41 governments that abstained from voting cited various reasons for their abstention including: the resolution was premature; the text was ill-prepared; the world was not ready; the text did not describe the right to water in a way that reflected existing international law; and the text/vote undermined the Geneva process (UN News Center 2010). Canada, for example, abstained from voting because the resolution proclaimed a right to water without establishing the scope of the right and the Canadian government felt "it was premature to declare such a right in the absence of a clear international agreement" (2010). Looking at the establishment of the MDG water target and the implementation of "improved" versus "safe" water sources, we can see how one can easily get bogged down in attempting to define the problem at hand, rather than solving the problem. Thus, it may be argued that the ratification of the right to water served to obscure the issue of access to safe drinking water rather than clarify the issue at hand.

Reconceiving the right to water as relational offers tremendous benefit to the realization of the right. The right to water cannot be achieved if we take the right to be individualistic and alienating. Nor can it be realized if the debate around access to safe water is obscured through policy and the existing power dynamics. Intricate webs of relationships exist when dealing with the political aspects of providing access to safe water. If we focus on relationships, we are able to see the webs of power connected to the enactment of the right to water and its realization. In its current state, the right to water views nations as fairly isolated from one another in the sense that it ignores the fact that the global north has done much to inhibit development in the global south through exploitative business practices, colonization, and imperialism (Miller 2009).

The international community is responsible for some of the current inability of countries in the global south to come up with the necessary public funds to cover the

cost of water infrastructure and maintenance (O'Neill 2018). During the late 1980s and early 1990s international development agencies, including the International Monetary Fund (IMF), advocated for water-pricing schemes and placed conditions on development loans, including pricing schemes, as one aspect of the obligations of governments in development projects (Dinar *et. al.*, 2015). Privatization became a core lending condition from international financial institutions and by 2006 most loans regarding water were conditional on water privatization (Barlow 2007, 38). Benin, Rwanda, and Honduras are just some of the countries that were forced to transfer ownership of their water to private corporations to receive loans from the IMF.

When poor nations inevitably could not pay back their loans, the World Bank and IMF renegotiated these loans on the condition that Structural Adjustment Programs (SAPs) be implemented in the countries requiring renegotiation. SAPs often required nations to sell off their public enterprises and utilities and, in their place, privatize all essential public services including water (Barlow 2007). Indebted nations had little choice but to accept these conditions and privatize their water services to get their loans renegotiated leading to some of the inability of nations to fulfill the right to water for its' citizens.

Reconceiving the right to water as relational involves reinterpreting our understanding about the responsibility of the fulfillment of the right since a critical component of our having rights is that relevant others have duties to us and the fulfillment of our rights. Iris Marion Young (2006) argues the social connection model of responsibility is more efficient at assigning responsibility than the traditional liability model, especially when it comes to issues of structural injustice<sup>5</sup> as these are not caused by the actions of one identifiable individual. This understanding is especially useful when discussing the duties associated with the right to water (to respect, to protect, and to fulfill) since, like poverty, the causes and barriers to access are difficult to pin down. According to the social connection model, individuals are responsible for structural injustices because of their contribution to processes that produce unjust outcomes. This responsibility is derived from "belonging together with others in a

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5. Structural injustice occurs as a result of "many individuals and institutions acting in pursuit of their particular goals and interests, within given institutional rules and accepted norms." These injustices exist when social processes put persons under a "systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capabilities." See Iris Marion Young 2006, 114.

system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects" (Young 2006, 199).

The social connection model emphasizes the importance of understanding responsibility in terms of the way we are engaged in social relationships with others. This model is not isolating as the social connection model acknowledges that harm is created through the participation of multiple others and institutions producing the injustice. Importantly, finding someone directly responsible for the injustice does not absolve others from bearing responsibility. Similarly, I do not need to deprive others of their right to water in order to be contributing to the injustice they face as a result of lack of safe water.

Background conditions are also critical when assigning responsibility. The fact that we follow accepted rules and conventions in the communities (and nations) we live in and in doing so contribute to structural injustices is important. My buying bottled water implicitly supports the extraction of water by international corporations for profit, often at the expense of local individuals failing to have access to safe water. In buying Nestle water<sup>6</sup> I can be said to be expressing my support of Nestle's recent acquiring of a well in Wellington County located on the traditional territory of the Six Nations of Grand River where approximately 11,000 Six Nations community members are currently without access to safe running water (Leslie 2016).

At an individual and national level, we need only look to our pension plans to see the effects structural injustices have on access to safe water in other nations. A majority of Canadians over 18 years, earning over \$3,500 and living outside Quebec are required to pay into the Canadian Pension Plan (Service Canada 2013). As of June 2011, the Canadian government was considered an "important shareholder" in mineral mining via "a public pension fund with assets valued at \$148-billion" (Keenan 2011). Since 2009, there have been four cases with foreign plaintiffs brought against mining companies before the Canadian courts with an additional two cases involving Guatemalan plaintiffs being launched against HudBay Minerals Incorporated. Many of the cases have involved allegations regarding the death and gang rapes of local peoples at the hands of employees of Canadian mining companies, the forced removal and displacement of local indigenous populations, and the contamination and destruction of drinking water sources and natural ecosystems (Keenan 2011).

All of this to say, reconceiving the right to water in terms of relationships is beneficial in many ways. By acknowledging the webs of relationships we are engaged

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6. Or other Nestle products.

in, we can see the ways in which we, as individuals in different parts of the world, can and do impact the access of others to safe water whether it be through our personal purchases (Nestle products) or our government's choice in pension plan investments. Globalization has brought the world closer together and in doing so has connected the actions and inactions of people across the globe. A relational approach to water rights not only allows us to see issues of global justice more accurately and respond to the sources of poverty better, but also allows us to appreciate the gender disparities that exist in water-related activities. An individualistic account of rights fails to see the way women stand in relations to their communities and households precisely because such an account does not and cannot see how the right to water is fulfilled on the backs of women.

It is vital that we view structural injustices as an ongoing process. These injustices are ongoing and so we ought to assign responsibility to rectify these concerns. With approximately 3 billion people using unsustainable and/or unsafe drinking water sources, we must urgently redress this structural injustice. Thus we have a responsibility to combat institutions and practices that perpetuate structural injustice. We have a responsibility to create just institutions, if they do not already exist, that recognize the weight placed on women through the recognition of the right to water in the way that is has traditionally been conceived. In reconceiving the right to water in terms of relationships and subsequently reconceiving the duties we have towards the fulfillment of the right we can best appreciate the nature of the work women do as water collectors.

### **Conclusion**

Women spend countless hours engaged in water fetching activities for drinking water, cooking, cleaning, and sanitation purposes. Water collection is not considered to be work, or economically productive as it does not, in the case of domestic collection, result in a transfer of money. Water fetching is devalued labour and contributes to and reinforces the notion that women's time is infinitely less valuable than that of men. The task of water fetching is time-consuming, physically demanding, dangerous, and highly gendered.

While the right to water notes the importance of gender equality in its realization, the right fails to adequately take into account the way women are disproportionately burdened by water collection activities. In failing to recognize this aspect, the right to water may have, in fact, resulted in increased burdens and stigma attached to water

fetching. Women may be blamed for failing to provide their families with safe drinking water if they do not travel to an improved drinking water source or if the improved source contains unsafe water. By defining reasonable access to water as a distance of one-kilometre to an improved water source, the JMP may have inadvertently reinforced the idea that water collection is not a time-consuming activity. Problematically, it may serve to maintain the notion that women *only* have to travel 1-kilometre to access safe water when in reality women travel much further distances and often the terrain is remote and unsafe. Moreover, a one-kilometre distance does not make the path taken by women any less dangerous and does not address the sexual and physical violence women face in their work.

The right to water, as it is currently conceived, does not truly appreciate the complex realities faced by women engaged in water fetching. The experience of these women is not homogenous and special attention must be paid to the particular circumstances faced by everyday women in specific contexts in order to combat any injustices faced by the women.

The right to water must be reconceived as relational and in doing so we must also reconceive the correlative duties and who bears responsibility for the inability of others to access safe water and sanitation sites. In understanding the right to water in terms of relationships, we can no longer distance ourselves from the fact that (in)action on our part contributes to injustices suffered by others around the globe. More explicitly our responsibility for structural injustices, including inability to access safe water and sanitation, is different from the traditional liability model of responsibility in that it is not isolating, judges background conditions, is forward-looking, stems from shared responsibility, and is discharged only through collective action. Not all actors will be able to respond to the responsibility they share regarding the fulfillment of the right to water and so individuals should reflect on their power, privilege, interest, and collective ability to engage in action that will meaningfully challenge the existing unjust global regime so that women's work as water collectors does not continue to be devalued (Young 2006). The right to water and sanitation must be reconceived so as to address the complex realities of women's lives if we ever hope to realize universal access to safe drinking water and sanitation for all.

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