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## International ‘drive’ for reforms on water

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## Background

This section gives the background information about the international effort that has characterized the water reforms.

Water reforms have been on the international agenda for decades. The Stockholm Conference of 1972 on the Human Environment which discussed many global environmental problems laid the foundation for most of the global agendas on water. At global level, rapid increase in population over the last century, compounded by unprecedented growth in industrialization and urbanization (Romaya and Rakodi, 2002), has had an impact on the demand for water. The problem of lack of water, particularly in developing countries where rural–urban migration has pushed more people into the urban areas, has been profound. Within the urban setting, lack of water in poor neighbourhoods of the cities in developing countries is one of the biggest challenges to everyone at different levels.

The increase in consciousness about water problems at global level led to the International Water Supply and Sanitation Decade<sup>1</sup> (Phiri, 2000). However, despite the international collective effort to achieve safe and clean drinking water for all, recent statistics indicate that 1.3 billion of the global population lack clean drinking water and the problem is acute in developing countries (WHO & UNICEF, 2000). In another global response, sweeping water reforms were introduced in the early 1990s in both developed and developing countries so as to enable more people to access water. The opportunities of the winds of change of the late 1980s and early 1990s that ushered in political change in most developing countries, especially in Africa and Eastern Europe, in part either ignited or accelerated the reforms in economic, social and environmental arenas.

The momentum that surrounded the changes in the above spheres culminated in ‘global policy’ frameworks in the water sector. The Dublin Statements (1992), Agenda 21<sup>2</sup> of 1992, Water Bank Water Policy Document of 1993 (Phiri, 2000), Beijing Platform for Action of 1995, and Millennium Development Goals (2000) are some of such global policy frameworks<sup>3</sup> that aim to give direction, at least at global level, to the water reforms.

The basis of the water reforms is that of achieving economic efficiency in the water sector by way of commodification of water (Holland, 2005). In achieving economic efficiency, it is argued that consumers need to pay the full economic cost of water which would reduce wasteful use and eliminate subsidies of non-viable uses (Green and Baden, 1995). The commodification of water goes with the removal of the underpricing as, according to the proponents of the reforms, that has negative effect on the financial resource bases of water utilities and governments and that, in turn, affects the extension of supplies to poor communities (Green and Baden, 1995). According to the World Bank policy document, decentralization in which a lot of key stakeholders are to participate in the provision of water is instrumental in the whole process (Green and Baden, 1995).

The private sector is one of the most important stakeholders under the reforms and its engagement in the water and sanitation sector reform process in many parts of the world, especially in countries such as Argentina, Indonesia, and the Philippine, has been profound (Nickson, 2001; Holland, 2005; Petrella, 2001). The private sector manages the water utilities through concessions in the cities and towns of the above countries. Globally, the traditional public-private partnership in provision of services such as water and sanitation to the public has grown (Jones, 2002; Franceys and Weitz, 2003; Braadbaart, 2004). However, Jones (2002) points out that the tri-sector partnership in which the public, private and civil society or non-governmental organizations come together to provide water and sanitation to the poor in both rural and urban settings have emerged and flourished.

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<sup>1</sup> The IDWSSD was from 1981 to 1990.

<sup>2</sup> Agenda 21 is the Programme of Action produced at UN Conference on Environment and Development in Rio De Janeiro in Brazil in 1992.

<sup>3</sup> The above frameworks plus others provide the basis for water reforms being experienced in most countries.

In all the countries that carry out water reforms, realignment of national water laws and policies towards the overall reform process was imperative. Most of the national laws and policies in implementing countries had been reformed as well so as to create a favourable legal and policy environment compatible with dictates of the reforms (Nickson, 2001). The result has been proliferation of laws and policies that encourage commercialization and privatization of government agencies (Petrella, 2001). For instance in Zambia, a separate law to deal with water supply and sanitation was enacted and a water policy<sup>4</sup> was also formulated as we shall see later.

In southern Africa, water reforms in most of the countries have taken a moderate privatization approach with government still having a hand in commercialized companies owned by local authorities (Plummer, 2000; Plummer and Nhemachena, 2001). In Zambia, there had been attempts as far back as 1976 to reform the water sector but progress was only achieved in the 1990s when government embarked on transforming the water sector with commercialization as a yardstick. As in other southern African countries, the change of political regimes coupled with introduction of reforms in the economy and public sector triggered the water reforms (NWASCO, 2004).

As indicated above the reforms currently experienced in Zambia in water supply and sanitation have been reported in developing and developed countries alike. In the process of reform, most municipalities lose their traditional functions of directly providing water and sanitation services to the residents and the functions of the Department of Public Works of Local Authorities are commercialized through commercial utilities. Currently there are ten commercial utilities in the water and sanitation sector (NWASCO, 2004). The emergence of such commercial utilities is common within the region as well as in South and Central America and Asia as well as in the North. (Nickson, 2001; Collignon and Veçzina, 2000). This paper assesses the impact of water reforms on women in peri-urban areas. The focus on peri-urban areas is an interesting one because of the challenges that poor women in these localities face as they try to meet their household and community water needs.

## **Zambian constitution and national water laws and the international arena**

This section deals with the provisions of the current constitution with regard to the rights included. The national laws as well as the international instruments have been analyzed in the context of water and human rights and the interconnectedness that exists between water and women's economic and social rights.

### **Zambian constitution and the right to water**

The Part III of the current Zambian constitution<sup>5</sup> provides for the Bill of Rights. The Bill of Rights in the present constitution is based on political and civil rights as provided for in international human rights conventions. These fundamental rights and freedoms are enshrined in the constitution from article 11 to article 24. However economic, social and cultural rights are only implied in the current constitution.<sup>6</sup> The explicit provision of the above rights in the national constitution would have obligated the Zambian government to deliver social services, including water, to the people. As such the government could not currently be held responsible for non-delivery of water and other services to its citizenry in peri-urban areas because there is no constitutional basis. However, Zambia is signatory to the International Covenant on Economic, Social and Cultural Rights and, as such, it is obligated under the international framework to provide economic, social and other rights provided for under the covenant.

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<sup>4</sup> The first National Water Policy was formulated in 1994 and currently the government is working on a revised one.

<sup>5</sup> This refers to the 1996 version.

<sup>6</sup> There has been contestation by civil groups including non-governmental organizations engaged in promotion of human rights as well as the academia, political groups and the general public about the implicit nature of the economic, social cultural rights.

While water could be a subject of politics, either at partisan or ideological level, particularly as it is a scarce resource, conventional definitions of political rights do not warrant it to be considered as such. Water is also not part of the economic, social and cultural rights. However, no amount of intellectual arguments will take away the fact that water in its liquid form is a basic need, a necessity that supports life and as such its guarantee in the supreme laws of any country is imperative. I would therefore argue that water has political, civil, economic, social and cultural elements because it supports the life and welfare of people. Whilst the Zambian constitution does not provide for the right to water, the South Africa constitution has a right to water clause enshrined in its post-apartheid national constitution (Phiri, 2000). The South African constitution provides a resounding litmus test on attaining the fundamental rights. The right to water is fundamental because it forms the basis of life which most national constitutions and international instruments claim to protect.

Currently there is a constitutional review process and a new constitution is expected to be adopted in the near future. Zambians have spoken through submissions on the need to have economic, social and cultural rights enshrined in the Bill of Rights but it all depends on political will whether the submissions will be adopted. The enshrinement of such rights will help the poor women in peri-urban areas by offering a guarantee of access to water within shorter distances, therefore facilitating the enjoyment of other rights such economic, social, cultural, political and civil.

Within the region, some countries such as Uganda, South Africa, Mozambique and Namibia, have come up with progressive constitutions that guarantee economic, social and cultural rights. Though it is too early to assess actual implementation, such provisions are important steps in the right direction. In most of the 'lead' nations mentioned above, opportunities for political change might have helped to initiate such innovative ideas but Zambia seems to have missed that opportunity in the early 1990s when the Kaunda regime was swept out with the winds of change that blew across Africa. Now with relative stability in the political sphere in Zambia, except for the expected small political tides that may characterize next year's election, the issues relating to right to water may not be on the agenda of many campaign strategists.

### **National water laws and rights to water**

In Zambia there are several laws with a bearing on water. However the principal Act that deals with the right to use water for any purpose is in the Water Act.<sup>7</sup> The Act provides a legal basis of 'ownership' and control over water<sup>8</sup> by granting various water rights for different uses<sup>9</sup> as stipulated in the Act. The Water Act does not cater for water supply and sanitation provision as separate legislation covers this in the form of the Water Supply and Sanitation Act.<sup>10</sup> The main thrust of the Act is to establish the National Water Supply and Sanitation Council (NWASCO) as a statutory body and provide it with the mandate to perform regulatory functions on water supply and sanitation provision. This is done through monitoring and supervising commercial utilities and other service providers<sup>11</sup> that supply water and sanitation services in the country. The Act further empowers the local authority to establish commercial utilities<sup>12</sup> under the Company Act, provided that the local authority shall hold the majority shares. The other laws with provisions on water include the Environmental Protection and

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<sup>7</sup> The Water Act (Cap. 198) of 1949 of the Laws of Zambia was enacted in the colonial era. The Act had however undergone amendments starting with 1950, 1955, 1959, 1964, 1965 1970 and lately 1994.

<sup>8</sup> The water includes 'private water' and 'public water' as defined in section 2 of the Act. The water rights include essentially the following: right to abutment, right to passage, and right to storage.

<sup>9</sup> The Act defines the uses of water in three categories: primary use – use of water for domestic purposes and the support of animal life; secondary uses – means the use of water for irrigation on land and pisciculture; and tertiary uses – in which water is used for mechanical and industrial purposes.

<sup>10</sup> The Water Supply and Sanitation Act was enacted in 1997 to provide a regulatory framework for the water supply and sanitation subsector.

<sup>11</sup> The other service providers include private companies, corporations and so on (Water Supply and Sanitation Act, 1997).

<sup>12</sup> The commercial utilities can be either: a public or private entity; jointly with an individual or private or public company; or Jointly with another local authority or several local authorities (Water Supply and Sanitation Act of 1997).

Pollution Control Act (1990), Local Government Act (1991) and Public Health Act (1930) (Phiri, 1999).

The Water Act provides avenues to guarantee water rights in the country while the Water Supply and Sanitation Act deals with issues of providing water especially in urban and peri-urban areas. The Water Supply and Sanitation Act is supposed to be the equivalent of the Water Service Act in South Africa which guarantees the right to water (Phiri, 1999). The Water Supply and Sanitation Act came into effect as a pacesetter of the current water reforms which started, as noted above, in the last decade. Both the Water Act and Water Supply and Sanitation Act suffer from gender blindness or lack of 'women's face' in them and the lack of a provision to guarantee the right to access water as a basic need. Both documents lack reference to either gender issues or women's issues. The absence of gender issues in the Acts raises fundamental issues about how serious the Zambian government's commitment is when signing and ratifying several international instruments when it fails to domesticate international instruments that provides for gender and women's issues.

### **International instruments and the right to water**

Women's rights to water have not been addressed well under the 'original' international legal framework. CEDAW and its General Recommendations have, for example, not touched on the issue of women's rights to water and yet it is a resource which influences women's economic and social spheres. Within CEDAW, the social sectors which include health issues have been adequately addressed. However the right to water as a health issue had not been tackled.

The General Recommendations mainly address issues which border on political and civil rights, such as violence against women (articles 12 and 19), employment issues (articles 16 and 17), cultural practices (article 14), and health issues (articles 12 and 24). This presents a partial contradiction when addressing the health welfare of women under CEDAW because water plays a significant role in the health of women and yet is not addressed at all. In fact the lack of water negates any chance of enjoying the right to health for women. Even the economic emancipation of women relies on access to and use of water (Green and Baden, 1995). However, General Comment No. 15 of the Economic and Social Committee (ECOSOC) sets water as a human right thereby providing guiding principles to the states parties to the International Covenant on Economic, Social and Cultural Rights (ECOSCO, 2000).

The African initiative on women's rights through the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (AfPWR) came close to linking women's health to water but it is done in a general way under article 15. Water as a natural resource needed an explicit provision in the protocol and other women's human rights instruments so that it is not obscured by other resources such as land, forests, fisheries and so on. Moreover basic needs like housing and food are explicitly provided under article 16 and 15, respectively, of the protocol.

The lack of explicit provisions on the right to water does not obligate states parties like the Zambia government to address the water problems in peri-urban areas where women pay a high cost in financial and physical terms to have water in their households. With lapses in the original international women's rights with regards to rights to water, the provision of formal rights in the Zambian water laws may take time. This is especially so since the nation is good at ratifying international instruments but slow at domesticating them so that they become part of the national legislative framework.

Zambia is signatory to a number of international instruments that uphold human rights, including women's rights. The country signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights in 1974, and the African Charter on Human and People's Rights and CEDAW in 1984 and 1985 respectively and is yet to ratify Protocol to the African Charter. As already indicated above, the provisions in the international laws provide the basis for uplifting individuals and peoples'

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<sup>13</sup> The African Charter on Human and People's Rights is one such international instrument that provides for people's rights.

rights.<sup>13</sup> The right to water can only become an agenda in the context of Zambia if political will is formed around water and manifested in law reform that takes on board the right to water for women and men.

### **Lived realities of women under the water reforms**

The next section explores the realities that obtain in the peri-urban areas with regard to access to water and the enjoyment of economic and social rights under the current water reforms that were embarked on in the early 1990s.

#### **Gender and access to water under peri-urban conditions**

Gender and access to water presents a challenging discourse, especially under the current water reforms. Gender is a social construction in which roles and responsibilities are assigned to women and men in society (Vijita Fernando, 1994).<sup>14</sup> In peri-urban areas in Zambia, the social construction around water turns out to be the feminization of the task of collecting water. Thus the intersection of gender and water is usually feminized with women and girls carrying the burden of fetching water for household consumption.

However, whenever males are seen with water, it is usually for business purposes, as the photo on the cover shows of the young man filling water in 20 litre containers to sell. In peri-urban areas, women walk long distances and sometimes under darkness, especially in the earliest hours of the day in search of water which has become extremely difficult to find. Women in peri-urban areas draw water mainly from three sources; stand water points, yard taps<sup>15</sup> and shallow wells (Lukupulo, 2005). In nearly all the big urban centres situated along the line of rail such as Lusaka, Kabwe Ndola and Kitwe and others, the women sometimes draw water for household use from highly contaminated surface water sources such streams or shallow wells.

#### **Commercialization of water services and women's access**

Under water reforms, the theory is that commercialization may be an important business strategy in not only maximizing profits for commercial utilities but also increasing efficiency in water use, reducing negative environmental impacts and improving water conservation (Green and Baden, 1995). These will in turn improve both the quality and quantity of water. However, while commercialization makes good business sense, it also hinders poor women's access to water, especially in peri-urban areas in Zambia. In a situation of rampant poverty as the case is for Zambia where over 60 per cent of urban dwellers wallow in grinding poverty, mostly in peri-urban areas, high pricing of water negates the accessibility of water for women. Green and Baden (1995) warn that the poor may face problems in accessing water under the commercialized environment suggested by World Bank because the water may be unaffordable. In fact the World Bank proposes a 'social fee' for poor people<sup>16</sup> though the proposal is surrounded with uncertainties about its implementability (Green and Baden, 1995). The World Bank proposal is an acknowledgement of the fact that the poor usually lose out under the current commercialization process.

#### **Water reforms and women's enjoyment of economic and social rights**

One of the important issues to the discourse on water reforms and women is the implication of such reforms with regard to women's enjoyment of economic and social rights in peri-urban areas. The implication of the water reforms for the economic rights of women in peri-urban are discussed mainly in relation to the informal

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<sup>14</sup> Vijita Fernando is a non-governmental organization in the water and sanitation sector.

<sup>15</sup> Those with yard taps are engaged in selling water. They sell to vendors, mainly male youths who in turn go round compounds to resell. The transaction is done without the assent of the commercial utilities. The water vending business is only common in the City of Lusaka.

<sup>16</sup> Moreover women as a social category are more prone to poverty and, as such, high commercialization could push them into deeper poverty traps and the ramifications would be dire in economic and social terms.

<sup>17</sup> Like in most other developing countries, the informal sector in urban settings has a feminine face as men get the few jobs that are found in the formal sector in Zambia.

economy<sup>17</sup> in which most women participate either as workers or entrepreneurs. The informal sector, though unregulated and absent in the national statistics, provides livelihoods for about 70 per cent of Zambians (National Gender Policy, 2000). The type of businesses run by women in the informal sphere in peri-urban areas differ but are usually very small, located either at household level, the roadside or at designated marketplaces and are confined mainly to food, salons, vegetable vending and other small enterprises.

Green and Baden (1995) acknowledge that water is an important factor in women's informal sector economic activities. Other authors point out that not only do women collect water for use in domestic chores (Chenje and Johnson, 1996) but also for use in economic activities (Dankelman and Davidson, 1988). As noted above, the food business, which is usually women's domain in the informal sector, needs water for preparation of various dishes and snacks. Usually this is undertaken in makeshift restaurants and take-aways. The women have to either obtain water from the few available sources or buy it from water vendors. Both the piped water sources and vendors are costly compared to the past when water was regarded as a basic need to be provided almost free of charge by government.

Previously the government supplied water wherever and whenever there were settlements as compared to the demand-driven strategies being currently pursued. The water from the vendors is usually of poor quality and costly<sup>18</sup> and women have to make trade offs on whether to use such poor quality water at household level or for income-generating enterprises. Usually using poor quality water compromises food safety and quality and thus that affects turnover in sales and thus their businesses. The cost of water therefore affects women's enjoyment of economic rights by limiting their engagement in the informal sector where they earn a living.

Furthermore, the gender division of labour at household level disadvantages women when it comes to provision of services such as water for household use. As already stated, in Zambia like in other countries in southern Africa, women are responsible for collecting water for domestic use (Rocheleau, 1995) while the men do other things. In the era of water reforms, the burden of water collection has intensified. This is contrary to the assumptions of proponents of the water reforms that women's workload from water provision would be reduced. In the context of peri-urban areas in Zambia, the observed trend is that women and their family members, usually girls, spend more time looking for water than before.<sup>19</sup> The implications of the reforms for women's enjoyment of economic rights are that women are more constrained because of their responsibility to look for water.

In the social sphere, the impact of the water reforms on women's access to social services such as health and education as social rights has been notable. As already pointed out above, the gender division of labour at household level is distinctive with women assigned the responsibility of bringing water into households. For women the implications of the reforms in terms of opportunity costs are huge precisely because the reforms have failed to meet women's practical and strategic gender needs.

In the present era of commercialized water provision, women and girls alike forgo social services in order to meet the water requirements as a practical gender role at household level. Health and education are not only basic needs but rather basic rights – every person needs to access it and yet the services have been elusive to many of the women in peri-urban areas in Zambia. The enjoyment of social rights eludes women and girls in peri-urban areas mainly due to the unequal gender division of labour which disadvantages women.

Some of the problems women face in peri-urban areas start with not accessing education services in childhood when girl children are overburdened with household chores. Lack of access to education for girls limits women's opportunities in life as they are unable to access other important services such as credit, employment and health. Within the institution of marriage, families are established and the teenage mothers and wives find

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<sup>18</sup> The cost of water varies but most charge K500.00 per 20 litre container. Depending on household consumption, a 10 x 20 litres for an average family of 6 would cost K5000.00 (1 USD = K4700).

<sup>19</sup> The observations are based on my experience with the water sector especially in the Copperbelt Province.



themselves caught up in the same energy-sapping, unpaid reproductive roles they were earlier introduced to by either their parents or guardians.

In the water reform era in Zambia, women and girls in peri-urban areas have been increasingly affected with regard to access to education because they spend more time searching for water. The reforms have not matched with the level of provision of the services required so that women's time could be freed up. Instead what has been happening is that water has become either scarce or too expensive altogether for poor families. Whilst there have been remarkable improvements in the flow of water to many, this has mainly been in urban areas where those who can manage to settle the bills reside.<sup>20</sup>

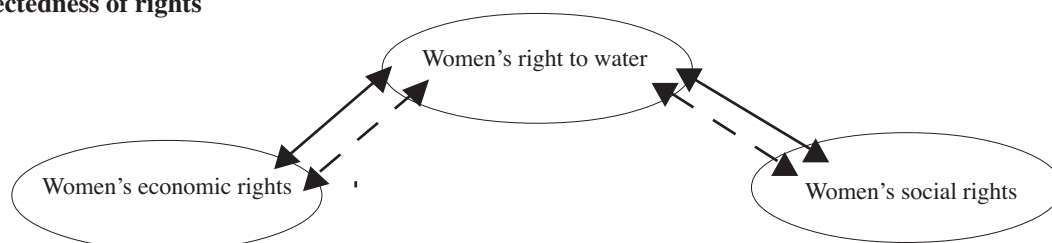
At international level, the international conventions<sup>21</sup> include provisions that guarantee women's rights to enjoy social services such as health and education. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), though in a gender neutral way, the enjoyment of such rights is guaranteed. However the present water reforms seem to be contributing to non-enjoyment by impinging on mainly women's time. Article 12 and article 13, for instance, guarantee everyone's enjoyment of rights to health and education respectively. Rights to those social services are an important aspect that needs to be safeguarded in Zambia, especially considering that the nation is a state party to the covenant.

Furthermore the African Charter on Human and Peoples' Rights (AfCHPR) under articles 16 and 17, like the International Covenant on Economic, Social and Cultural Rights, equally provides for the enjoyment of such rights. CEDAW and the African Charter have provisions that are explicit and gender specific in which the rights of women to education and health are spelled out. Articles 10 and 12 of CEDAW urge states parties to ensure that women enjoy the right to education and health respectively while the African Charter does that through article 12 for education and article 14 for health services.

Whilst there have been provisions for enjoyment of economic and social rights in international instruments, these have been elusive to many women in peri-urban areas in Zambia partly due to lack of recognition of the interconnectedness of rights. The enjoyment of economic and social rights is tied to the right to water.<sup>22</sup> The current water reforms did not acknowledge the interconnectedness of economic and social rights and women's right to water. For the water reforms to have made a significant contribution to alleviation of poverty among peri-urban women, they should have been grounded in the human rights approach.

The human right approach promotes a holistic enjoyment of the rights in all spheres of life. Rather than striking a balance between economic efficiency and human rights in the water sector, more emphasis is placed on the former. The lack of focus on the human rights of women in particular, divorced the reforms from the above discussed economic and social rights. The reforms thus have significant negative impact on the welfare of women, especially in so far as they have failed to bring water closer to most households.

### Interconnectedness of rights



- Human rights approach: ———
- Water reforms: - - -

<sup>20</sup> The middle class and the bourgeoisie are likely to afford to pay for their bills because they are usually financially sound.

<sup>21</sup> The international conventions include Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women and so on.

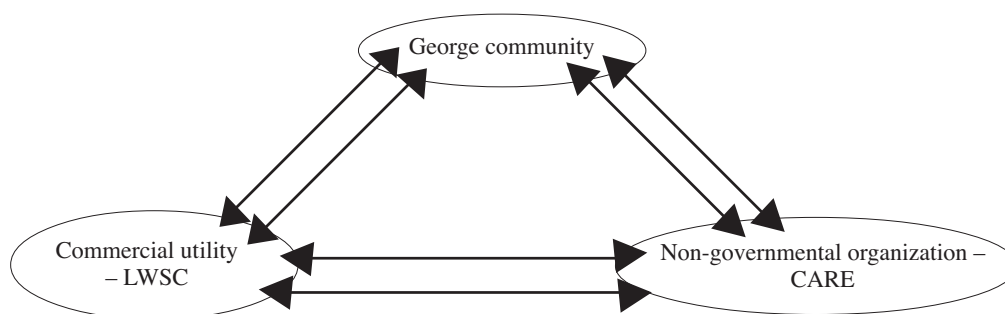
<sup>22</sup> The right to easy and affordable access to water.

## Women and water management under water reforms

The water reforms have targeted women both in rural and peri-urban areas as key to the reform process. The women are involved in caring for water as a resource especially in the present era of water reform where women have been given an active role in the management of water resources.

As indicated above, the current reforms have also been based on the process of decentralization of the management of water resources. In peri-urban areas in Zambia, especially in the city of Lusaka, there are projects that are community driven, usually in partnership with commercial utilities<sup>23</sup> and or non-governmental organizations with financial support from donors (Lukupulo, 2005). This is the tri-sector partnership referred to earlier by Jones (2002). The figure below shows the intersection of the different sector partners in one of the urban water projects.

### The George Compound Water Project partnership in city of Lusaka



### Tri-sector partnership in Zambia

The George Compound Water Project is one of the few community-based initiatives which involve different stakeholders in water supply. The project was funded by ODA (Overseas Development Agency) and JICA (Japan International Cooperation Agency). Lusaka Water and Sewerage Company, Care – Zambia and the community have an agreement to run the project. The role of the community is to ensure sustainability of the project by meeting part of the operation and management cost through user fees collected by the established committee. Care – Zambia provides capacity building and other technical services while Lusaka Water and Utility Company is the owner.

Communities are involved through all stages – the planning, designing, implementation, monitoring and evaluation of the water projects. The involvement of the communities is meant to increase the sustainability of the projects (Lukupulo, 2005; Baden, 1993). The involvement of women and men in the water project activities, particularly in decision making, is an important aspect (Baden, 1993). Lundqvist (1999) has however argued that there are black holes in community participation in most of the water sectors precisely because communities are regarded as a collection as uniform people in a specific geographical location.

In actual fact the community exhibits heterogeneity with different power relations for example between women and men, old and young, and the rich and poor alike. With regard to women's participation, structural societal impediments hinder women's effective participation in all the activities especially in decision making in the projects. Thus the gender skewing in society prevents women from active participation in decision making

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<sup>23</sup> Lusaka Water and Sewerage Company is the only commercial utility responsible for provision of water in the city.

roles. In peri-urban areas in Zambia, the women are mostly confined to less important roles of fee collection<sup>24</sup> while the decisions on how to use the user fees collected from community taps are made in male-dominated water management committees.

The participation of women in community activities as provided for in most implementation manuals of community projects is an important issue (Lundqvist, 1999). Participation especially of women is seen as the ‘weapon’ in canvassing support and consensus in community activities (Cottam, 1997). Through participation, the civic rights of the women are enhanced. But women’s participation is usually not to the full, as noted above. As for women’s involvement in the collection of the user fees, that has increased their workload because of the double and sometimes triple roles they are subjected to in society. They have not only to balance their workloads and time, but also other household chores and community work as well as fulfilling productive roles.<sup>25</sup> Moreover most of the work done for community water projects in Zambia is voluntary though demanding in the sense that there have to be tap or kiosk attendants from community members to man and collect the fees from early in the morning to evening. These tasks drain women’s energy and negatively impact on their time use.

## Conclusion and way forward

In conclusion, rights in relation to water reforms and the human rights of women in peri-urban areas are interconnected. Women’s right to water needs to be recognized and guaranteed if women are to enjoy their economic, social and other rights. This is because water is central to most of the activities women in peri-urban areas perform. There is need to take a holistic approach when dealing with the intersection of the international arena, national provision, the community setup and women’s lived realities to ensure that women enjoy all the rights they are entitled to.

The present water reforms negatively affect women in terms of time, finances, labour and health constraints. This is because of the gendered roles that exist with regard to the provision of water in society. Women fail to balance their time and financial budgets, for instance, and this impairs women and girls’ enjoyment of their social and economic rights because they spend so much time looking for water.

The emphasis of the reforms on ensuring efficiency at the expense of meeting the water needs of society has deprived women and their families of water for various purposes because the water no longer flows the way it used to. Some peri-urban areas that used to be served by piped water experience erratic supplies.

The absence of the right to water in the Zambian constitution and in national water laws, disadvantages women’s other rights as well. This is problematic as far as pressurizing government to improve the water situation in peri-urban areas is concerned.

In light of the above situation, there is need to take sweeping proactive measures at different levels so as to improve the welfare of women in the context of the present water reforms during which their human rights have continued to slide further. The following strategies are help to engage the paradigm and shift it for the benefit of women in peri-urban areas;

- **Integrate a human rights based approach:** There is need to change the course of the current water reforms by giving them a human rights face. Currently the emphasis has been on more efficiency in the sector and this has negatively affected poor peri-urban women.
- **Embark on law reform:** The current water laws, as observed above, are gender blind and so there is

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<sup>24</sup> Women are favoured to collect the user fees because they are considered to be more trustworthy than men.

<sup>25</sup> Women in peri-urban areas are involved in performing productive roles such as farming in open spaces (urban agriculture) as well as selling merchandise so as to sustain the household income.

need to integrate the gender dimension that exists in society into the law, taking account of how the law affects women and men differently. The present Water Act and Water Supply and Sanitation Act should be engendered so that poor women's access to water in peri-urban areas is improved and enjoyment of other rights like economic and social are enhanced in national laws.

- **Mainstream gender in water policies and reform programmes:** There is need to reform water policies as well and gender must be used as the cornerstone. Women and men must be engaged in meeting the water needs of households as against the present situation in which the burden of sourcing water rests mainly on the shoulders of women and girls. There is need for a peri-urban policy initiative to ease the problems women face, especially in the area of water reforms.
- **Domestication of international instruments:** Most of the international instruments that provide for women's enjoyment of economic, social and cultural rights need to be domesticated so that there are formal guarantees of such rights. This will also help to institutionalize the human right approach in the provision of water and other services to the deprived neighbourhoods both in rural and urban areas.
- **Incorporate gender-based planning:** The national machineries, especially under the Ministries of Energy and Water Development and Local Government, need to be engendered so that the plans, programmes and projects become gender sensitive. Gender responsive planning can address important challenges in the allocation of resources as well as change the current situation which disadvantages women in enjoying their rights.

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