Gendered implication of access to clean water for the girl child: A case study in two rural villages in Ethiopia

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1 Introduction

This research was conducted in two villages of the Amhara region in Ethiopia. The region is in the northern part of Ethiopia commonly known as the highlands of Ethiopia. The two areas were chosen for comparison purposes. The first area, Mencheger, is an area without an adequate water supply: there is one water point to which people's access is limited due to many factors. Those who cannot access the water point for different reasons fetch water from the Nile river and ponds in the rainy season.

Robit, the second village, is an area with better access to clean water. This is mainly due to the fact that people have boreholes near their households. In addition to this there is a water point developed by a non-governmental organization in the area. People who cannot access these water sources for different reasons resort to the Enewo river. The difference between the two areas is caused by the different nature of the land. In Robit the people can extract water from hand-dug, seven to ten metre deep holes. However in Mencheger the land is rocky and it is not possible to dig wells.

Statement of the problem

Two thirds of our planet is covered by water, however only a fraction of the resource is suitable for human consumption. Billions of people worldwide lack access to clean water and a large proportion of these people are situated in developing countries. The poor, mostly in rural areas and deprived areas in towns, are the most disadvantaged part of society in relation to access to clean water.

In recognition of water being a vital resource to human lives and the fact that many people lack access to clean water, the Committee on Economic, Social and Cultural Rights recently declared water as a human right. State parties are now obliged to progressively fulfill people's right to water.

In Ethiopia, like in many other societies, women are collectors, users and managers of water, especially for domestic purposes and, as a result, inaccessibility of the resource has gendered implications. Women and girls walk long distances every day to fetch water and use a lot of time and energy which could have been spent on other productive activities. Girl children in particular are affected in terms of having no time to do school work or to rest. Moreover their health is affected by the heavy burden of carrying water from distant points.

Inaccessibility of clean water is a threat to the fulfillment of children's right to education, their right to health and to leisure.

The objective of the research

The objective of the research is to investigate the legal status of the 'right' to clean drinking water in the context of Ethiopian laws and the international instruments which the country has ratified. Most importantly, the research aims to discuss the gendered implications of inaccessibility of clean water and to show how inaccessibility affects girl children's other rights – the rights to health, education and leisure.

Research assumptions

Under this research there were two major assumptions. These are:

1 Women and men do not have access to clean water in the area.

2 Inaccessiblity of clean water affects girl children more than it affects boy children.

The second major assumption is divided into five sub-assumptions. These show how inaccessibility of clean water was believed to affect girl children differently from boy children.

The four sub assumptions are:

a Girl children are responsible for collecting water;

b Girl children's physical health is affected by the heavy burden of carrying water over long distances;

c Girl children miss out on school as a result of their responsibility to collect water;

d Girl children are denied their right to leisure as result of their responsibility to collect water.

Research questions

1 Do people access clean water in the area?

2 How does inaccessibility of water affect girl children differently from boy children?

a Are girl children responsible for collecting water?

b Is girl children's health affected by the task?

c How is girl children's education affected by their responsibility for fetching water?

d Are girl children's rights to leisure affected by their responsibility to collect water?

2 Background to the study

Ethiopia is the second most populous country in sub-Saharan Africa, next to Nigeria, with 67.7 million people and an annual growth rate of 2.9 per cent. According to government statistics the total population served with water supplies as at mid-2000 was 31 per cent. Out of the total population that has access to clean water only 24 per cent is accounted for by rural people. What is worth mentioning in relation to this figure is that it does not take into account the unreliability and unsustainability of the supply of safe water.

The figures cited above are despite the fact that the country is endowed with vast water resources. There are four major river basins in the country, namely Abay (Blue Nile), Tekeze, Baro Akobo and Omogibe. The biggest and main water problem is the uneven, spatial and temporary occurrence and distribution of the resource. The above-mentioned water basins that contribute 80–90 per cent of the country's entire water resources are found where only 30–40 per cent of the population is settled whereas only 10–20 per cent of the resource is located in areas where the majority of the population is found. In addition to the location of the river basin, rainfall distribution is also uneven. The annual rainfall of the country ranges from less than 200mm in the south eastern lowlands to more than 2000mm in the western highlands.

The Amhara region in particular, has 17.7 million people, which is 27 per cent of the whole population of Ethiopia. In this region 87 per cent of the population is settled in rural areas, mainly engaged in subsistence agriculture. According to the welfare monitoring survey of the region, the water supply coverage of the region is estimated to be 31 per cent. In the same way as in the rest of the country, only 23 per cent of the water available serves the rural community with clean water whereas 96 per cent of the supply is for the urban population.

What is the state's obligation in relation to water rights?

Under the constitution the government is obliged to provide citizens with improved living standards. In addition to this, Ethiopia is among the 141 states that ratified the Covenant on Economic, Social and Cultural Rights, which recognizes people's right to water. The international and national laws will be discussed in detail in chapter three.

The states' obligation to fulfill citizens' rights to development in general, and to particular rights that come under the right to development such as water rights, is different from their obligation towards civil and political rights. States do not assume the obligation of immediate implementation upon ratification of international agreements concerning such rights. However, they bind themselves to take steps to the maximum of their available resources in order to achieve 'progressively' the full realization of these rights. States' obligations to provide access to clean water to its people should also be seen from this angle.

The duty of states to take steps towards the realization of such rights can be divided into three obligations. These are the duty to *respect***,** the duty to *protect* and the duty to *fulfill***.** As to what these duties mean in relation to the states' obligation to provide access to clean water is described by the World Health Organization (WHO) as follows:

a Duty to respect

> *'The duty to respect requires a government to ensure the activities of its institutions, agencies and representatives do not interfere with a person's access to water. Laws consistent with international law should be enacted stating under what circumstances the right to water cannot be interfered with. Where interference cannot be avoided, individuals should be given reasonable notice, full information, a chance to consult with authorities, and the opportunity to make an effective formal complaint to a tribunal or court. A person must never be placed in a situation of having no water'* (WHO, 2003:28).

b Duty to protect

> *'The duty to protect requires that governments should diligently take all the necessary feasible steps to prevent others from interfering with the right to water. This usually requires a strong regulatory regime that is consistent with other human rights'* (WHO 2003:29).

The most frequently raised issue in relation to government's duty to protect is privatization of water services. Though states can privatize such a service without violating any international obligations, they are still bound to see to it that privatization does not adversely affect people's right to sufficient, safe, affordable and accessible water supplies.

c Duty to fulfill

This is the final stage in the realization of the right. The step is further divided into three. These are the obligation to *facilitate*, *promote* and *provide*.

> *'The duty to facilitate requires the state to take positive measures to assist individuals and communities to enjoy the right. The duty to promote obliges states to take steps to ensure that there is appropriate education concerning hygienic use of water, protection of water sources and methods to minimize water wastage. The duty to provide obliges states to help individuals and groups unable, for reasons beyond their control, to realize that right themselves by means at their disposal'* (WHO, 2003:30).

What is the government doing to ensure the right to water?

Over 25 years have elapsed since water supply activities started in Ethiopia. According to the figures obtained from the UNICEF report on Ethiopia, water supply coverage in 1973/74 was 1 per cent of the total rural population. After ten years 5.5 per cent of the population was supplied. As of mid-1992 only 20 per cent of the rural community had access to clean water. To date the percentage of rural population served with a water supply is 23 per cent. One feature of the water sector in Ethiopia is that, like in many other development

[1] UNICEF report on Ethiopia

projects, 'frequent government changes have caused repeated beginnings with few project endings'.[1]

With the present government coming into force in 1990, Ethiopia had a new constitution by 1994. The water resource minister issued a national water resource management policy in 1999. Since then the water sector strategy and development programme (2003–2005) has been adopted.

These are the government programmes that are going to be discussed under this chapter in view of government efforts to fulfill the right to water.

The Water Resource Proclamation 197/2000 prioritizes community interests in primary water above any other interest. This is with the aim of maintaining the existing access people have (duty to respect) and regulating third parties. Another issue usually raised in relation to states' responsibility and duty to protect water rights is privatization of water supply services.

With the increasing market-oriented economy all over the world, privatization of water is argued to interfere with water rights, making it unaffordable to the people. In Ethiopia privatization is not yet a problem in relation to water supply, since the government exclusively owns the water supply service. Even in this case, users of urban water supply services cover the full cost of the service. At the same time the government has included social considerations in the provision of water supplies. For example, the national water resource management policy states as follows:

> *'Although all water development is to be based on economic value of water, the provision of water supply service to the underprivileged sector of the population shall be insured based on a special social strategy.'*

However, involvement of the private sector in the management of the resource is not considered against the overall efficient functioning of the economic system of the country. In fact the state encourages the involvement of the private sector in the development of the resource. To this effect the water sector development programme states:

> *"The private sector so far has played a very little role in development of the water sector. However, as the government moves towards implementation of water sector development programme activities, it sees the private sector as an important partner in pursuing water sector development objectives … the government is ready to discuss such partnerships and create the necessary incentives, structure and regulations to promote the participation of the private sector.'*

The government effort towards the fulfillment of the right to water is reflected in three government documents.

a The water resource management policy (1999)

b The water sector development strategy

c The water sector development programme (2002)

a The water resource management policy

The goal of this policy stated in the document is:

> *'…to enhance and promote all national efforts towards the efficient, equitable and optimum utilization of the available water resources of the country for significant socio-economic development on a sustainable basis.'*

The six fundamental principles of the policy are:

1 Water is a natural endowment commonly owned by all the people of Ethiopia.

2 As far as conditions permit, every citizen shall have access to sufficient water of acceptable quality to satisfy basic human needs.

3 In order to significantly contribute to development, water should be recognized both as an economic and social good.

4 Water resources development shall be underpinned by a rural-centred, decentralized, participatory management approach as well as an integrated framework.

5 Management of water resources shall ensure social equality, economic efficiency, system's reliability and sustainability norms.

6 Promotion of the participation of all stakeholders, user communities, and particularly women's participation in the relevant aspects of water resources management.

Although all the objectives are equally important for the policy the first and the sixth are more related to this research. The second principle recognizes citizens' right to water with a qualifying term, 'as far as conditions permit'. The last principle recognizes the need for women's participation in relevant aspects of water management. Towards ensuring women's participation in all processes of water sector development, the ministry also issued gender-mainstreaming guidelines and checklists for the sector. These guidelines are designed:

> *'…to assist water resource management professionals and institutions at all levels to be able to integrate gender in all stages of a project life cycle, including the project preparation, formulation and execution process, establishing indicators for monitoring and evaluation of project progress and impact'* (Gender mainstreaming guideline, 2001:1).

b Water sector strategy

The government issued this document with the aim of translating the national policy into action. The strategy makes the policy objective more specific. The aim was to make meaningful contribution towards:

- Improving the living standard and general socio-economic wellbeing of the Ethiopian people;
- Realizing food self-sufficiency and food security;
- Extending water supply and sanitation coverage to large segments of the society;
- Generating additional hydropower;
- Enhancing the contribution of water resources in attaining national development priorities;
- Promoting the principles of integrated water resources management.

c Water sector development programme

Recognizing poverty as Ethiopia's primary development challenge the government issued a national development framework poverty reduction strategy paper. There are four major divisions under this framework:

a Strategy for economic growth based on agriculture leading to industrialization;

b Reform of the judiciary and civil service;

c Decentralization and empowerment;

d Capacity building.

The first strategy focuses on the basic needs of the rural population (Executive summary:2). This strategy incorporates five development programmes of which one covers water sector development. This programme in particular is composed of four major sub-sectors: irrigation, water supply, hydropower and general water resources.

This document states priorities as to which sector of water development should be addressed first. Moreover it gives the estimated investment in each sector as well as setting development goals for the next twelve years (up to 2016).

Most importantly to this study, making clean water available for drinking and sanitation is given top priority by the programme. The programme aims at raising the current 23 per cent of rural water supply coverage to 71 per

cent by the end of 2016. The following are the water works planned to attain this goal:

- 4,255 deep wells;
- 9,329 shallow wells;
- 27,338 hand-dug wells;
- 18,908 spring developments;
- 222 subsurface dams: surface water harvesting project, rivers and related works;
- Rehabilitation of 2,857 works.

The project also stated the investment needed to implement these projects. The total investment in water supplies and sanitation development is estimated to be US$2,935.8 million. Out of this, 71 per cent of the money is required by the rural water supply project. The Amhara region in particular needs US$495 million dollars for urban and rural water supplies.

As to the sources of the money, the government is relying on external sources, domestic resources and private capital from domestic and international sources. It is estimated that 60.2 per cent of the total investment needed for the whole sector would be contributed by international, private sector, multilateral and bilateral donors. The government would contribute 24.5 per cent and the rest was expected to be raised from the community and domestic private sector.

The implementation of this project is not yet started, according to the executive summary:

> *'The planning process to date has produced the water sector development plan in its current state based on the analysis of issues and strategic choices and the definition of its basic objectives, principles and priorities that form building blocks of the programme. The programme framework as it is presented does not mean the end of the planning process. However, indeed, since implementation still lies ahead, the planning process itself has really just begun.'*

Based on the water sector development plan, Ethiopia will have to wait another 20 years (2025) before its people's right to water is fully realized. This is assuming that all the resources needed for the implementation will be available as planned.

According to the statistics on water issues presented at the World Summit on Sustainable Development in Johannesburg, at the present rate of investment universal access to safe drinking water cannot reasonably be anticipated before 2050 in Africa, 2025 in Asia and 2040 in Latin America and the Caribbean.

At the end of the day the effectiveness of the programme will be judged by evaluating how many more people in the country have or have not gained access to clean water as a result of the implementation or otherwise of this project.

3 Methodology

Location of the study

At the time I conceptualized my field research I was only sure that I was flying to Gogam. Gogam is in the northern part of the country, about 700kms from the capital. It is located in the Amhara region where 27 per cent of the population is found. My ability to speak only one of the 80 languages in the country, Amharic, was the principal reason for me choosing the region. Whereas my immediate reason to select Gogam was the ironic scenario that the people living by the side of the Nile do not have access to water.

The second step was to locate the exact area of the research – the two rural villages where I could collect the

data for my comparative study. The Finnish organization, FINIDA, working on water development in the area, with which I established contact before leaving for the region, helped me locate the places. The first area, Mencheger, was suggested by community workers working with this organization as a place where people do not have access to clean water. The second village, Robit, is an area where the organization developed two water pumps, one for the community and one at the Robit primary school. When the director of the organization suggested the area for the research he was also hoping that the findings would contribute to an evaluation of the project after three years of operation.

Both Mencheger and Robit are in Bahirdar Zuria Woreda in West Gogam. Bahirdar is the nearby town for both areas which is also the capital of the Amharia regional state. Mencheger is about 15kms south of Bahidar whereas Robit is 30kms away to the north of the town.

Grounded theory

> *'Grounded theory is an interactive process in which data and theory, lived reality and perception about norms are constantly engaged with each other to help the researcher decide what data to collect and how to interpret it'* (Weiss Bentzon *et al.,* 1998).

This was the basic methodology employed throughout the research process. Starting from problem formation to data collection and interpretation, the research was oriented towards grounded theory.

My assumptions stated under the introduction as to how inaccessibility of clean water affects girl children differently from boy children emanates from my exposure as an Ethiopian born and brought up in the country. However I was not taking any of the suppositions for granted and using grounded theory, I started data collection with an 'open mind'. As a result I was not frustrated to find two men fetching water challenging my basic assumption that fetching water is a job reserved for women in the gendered division of labour in the area. In the same manner I did not give up on my research, feeling there was no problem to research on, when girl children nodded to say they liked fetching water. Rather I added more questions to address issues such as when men fetch water, for what purpose, which men do the task and how they feel about it.

The next question technique in the grounded theory came to my aid when I was confronted by a seemingly positive attitude from girl children about fetching water. I needed to ask more questions and replace some of the questions, like 'do you like fetching water?', for more open-ended questions or at least adjust the timing for asking such questions. More questions as to what they like most about the task or whether it is a simple or tiresome task to fetch water revealed the truth at last when a girl bitterly said 'Let fetching water eat the dust', equivalent to 'death to water fetching'. I found out later that the children were afraid of being judged as bad children who hate to help their parents if they answered otherwise.

The research plan as to what data to collect and how to classify it was influenced by the basic assumption that women are more affected by the inaccessibility of water and girl children are the most affected. And towards the end of data collection it was evident that first-born children among the girl children were over burdened with the housework in general and water fetching in particular. Unfortunately I did not have enough data to theorize on this concept because by the time the issue was revealed I had already spoken to most of my respondents without getting data on this particular issue. According to grounded theory literature, it is when a researcher has reached 'saturation', with enough data that she is be able to formulate theories about findings (Weiss Bentzon, 1998). Unfortunately the data was not enough to further pursue the issue of first-born girl children. However I strongly recommend the issue for further studies.

The women's law approach

> *'This theory is closely connected to the principle of taking women as a starting point in analysis of the position of women in law and society, and prompts the inclusion of empirical data about the lived reality of women'* (Weis Bentzon, 1998).

Girl children and women were the centre of the data collected and the analysis of this research. This was with the aim of collecting empirical data on the lived realities of girl children and women in relation to their duties to fetch water. The research included some men since it was also important to understand women's lives through the eyes of men.

Initially my plans as to how to collect this empirical data on lived realities of girl children was influenced by the methodology followed by Helen Pankhurst in her *Gender development and identity: an Ethiopian study* (1993). I was impressed by the whole text but the methodology was of special interest to me. She was not only collecting data on the lived realities of women but she was living the realities of women during the data collection. She had a hut within the community where she spent months with them. This was the mode of data collection I had in my mind when I was shopping for sleeping bags and backpacks in Harare. The only difficulty I envisaged was staying alone in a hut and I was relying on Ethiopians' hospitality to share a hut with a family. However on my first field day visit I knew that I had overestimated my will power, not to mention my inadequate preparation for such a life, even for a few days. I decided to stay in the nearby town Bahirdar.

I learnt most of the households were one-roomed. The family cooks and sleeps in the same room. There are households where the cattle sleep in the room. This in most cases is for fear of theft at night if they keep them outside. In other cases it is because they do not have a paddock.

What I did was to relocate my headquarters from households to the water point. I went to the water point early in the morning, depending on the transport available, and interviewed the girls I met there. Then I would go to the villages and conduct the in-depth interviews with mothers and girl children, before heading back to the town.

The water point was a strategic place for meeting many women and girl children. It was also possible to answer some questions by mere observation. For example, it was apparent that whoever comes to the water point is the one who does the fetching. The setting also eased my communication with the children. It was always better to start talking to the children about something they were already doing.

However, not all questions were answered at the water point and the people I interviewed there did not constitute a representative sample of my entire target group. The household interviews still had to be conducted. Firstly, the women and children did not usually have time to answer my numerous questions once they got their water. Secondly, many of them seemed to be more relaxed and willing to discuss matters at home. Almost all of my in-depth interviews were conducted in households, with the girls and mothers performing their house chores, including preparing food and coffee for their guest and at the same time answering and even asking questions, mostly about my personal life. Most of the women were interested to know whether I was married or not whereas the girls also wanted to know about Addis Ababa, the capital of Ethiopia.

Legal pluralism

Recognizing water as a human right under the constitution of the country was part of the analytical framework in this research. A human rights approach is considered to be a strategic approach, holding the government accountable to work towards better access to clean water for the citizens. However the concept of water as a human right is not alien to the people in the research area. They have governing traditions on the duty to share water for primary uses. The tradition includes potential respective sanctions on those who are not abiding by the rules and even circumstances where such rights could be limited in matters that could be equivalent to the legal expression of self-defence. For example, people sometimes, in fear of being poisoned through the water, do not share water with people they are not on good terms with.

Such norms, despite their effectiveness in governing people's relations for better or for worse, have often been regarded as 'either illegal, insignificant or irrelevant' according to legal centralist views (Weis Bentzon, 1998:131)

In this study such norms are recognized as factors that can affect people's access to water in some way. In fact, arguing for formal recognition of the law, I also think that the right already has a foundation in the society upon which it can be built.

Methods of data collection

Key informants

A Central government water officials

Central government water officials were approached for information as to what the government is doing to provide people with drinking water. In interviewing these people, more structured questions were used. The main central government body contacted was the Ethiopian Ministry of Water Resources, which is responsible for devising policies concerning the resource.

B Regional government water officials

The regional government water officials were an important contact to access statistics on coverage of water supply, as well as for information on what was being done in the region to alleviate the problem and what assistance they get or do not get from central government.

C School officials

School officials in the area were contacted to find out about female student enrolment in the area. As people with first hand information, they were also asked to give their personal experience as to the causes of lower numbers in their female enrolment.

Individual interviews

In conducting these interviews, respondents were approached individually. When I first started the data collection, I had the list of research questions with me and attempted to answer them one by one. As I proceeded, however, I found some of my questions left unanswered. This was mainly because I failed to record some of the responses as the respondents answered them before I asked the questions or while I was waiting for answers to another question. For example, when people were asked what sources of water they used for drinking, they would not tell me, until I asked, how far the water source was from their houses. They would start by explaining why they do not use some of the water sources, which led the discussion on to the issue of safety and distance of the water supply, while I was still waiting to find out what sources they used.

I then changed the method of interviewing and recording the data. What was employed later was asking the type of questions I thought would enable me to get the information I needed from that particular interviewee. I would then record all the discussions in my notebook and match the answers with the given question later on. When the respondents finished answering one question I would raise another question that I believed covered issues inadequately addressed in the previous discussion. Whenever I needed an explanation about something I would stop them and ask for clarification. In discussing issues, they used rural terminology that needed translation and also mentioned places, rivers and people in the area whom the respondents took for granted that I was already familiar with.

a Individual interviews with men

The above method of interviewing was used for all types of respondents. However, in the case of men, I made sure that I raised questions to enable me to cover the information I needed specifically from them. For example, the question of when men fetch water and what they felt about doing the task. These questions led to others and the discussion flowed from there.

b Individual interviews with women

Women were asked questions about what water sources they used and for what purposes. I also asked questions on the cost of water and whether they found it expensive.

c Individual interviews with girl children

These groups of respondents were asked most questions. Therefore I made sure I started the interview with a question that would make them explain a lot of things in relation to the inaccessibility of water.

In-depth Interviews

These interviews were conducted in the data collection process to capture the multiple dynamics in the society surrounding access to clean water and in turn what the inaccessibility brings about in the lives of women and girl children. Such interviews cannot or need not be conducted with all the interviewees and for the purpose of this research women and girl children were chosen for this type of interview.

a In-depth interviews with women

Women play diverse social roles pertinent to the issues in this research. Women in general are collectors and managers of domestic water. Moreover, in their capacity as parents they decide on whether or which children to send to school. In addition, women account for half the population in the area, as anywhere else in the world, their views and behaviour towards water rights are representative of the society's. These are the justifications for conducting in-depth interviews with the group. Most of the long quotations under the findings result from these interviews.

b In-depth interviews with girl children

Women, despite being girls themselves once, can hardly reflect the views of their children since they belong to a different generation. Even in this society, where time does not seem to bring any substantial change through generations, there are compelling reasons to seek detailed information from the girl children themselves.

> *'Besides being considered a value in their own right children can be prized as cheap labour'* (Freeman, 1992: 139).

This phenomenon could make mothers' testimonies as to how the work load, including tasks such as fetching water, affects girl children's lives, biased. Basically the justification for conducting such interviews lay in the need to collect data on the lives of girl children from the girls themselves rather than through the voices of others only.

Problems encountered in the data collection

a Winning people's trust

To begin with I was a *tsegure liwit*, literally meaning someone with different hair, an expression they use to refer to strangers. It was impossible for them not to tell at a glance that I did not belong to the community. Suspicion and some suppositions as to my identity and what I was looking for were the natural consequences. As a result getting attention was easy; the problem was to manipulate it for my purpose. Some thought I was there to immunize their children and others were hoping I had brought malaria pills for them and were not interested in discussing water problems, especially with someone without a 'shaft' machine to extract water. However, this did not present major constraints on my data collection, as I could meet a variety of respondents that made up for any shortcomings.

However, I faced real problems with people who thought I was a government agent of some kind. This had a direct effect on the credibility of some of the answers I was getting. For example, women who were behind with

their community payments for water supply in the area were not willing to inform about their sources of water, thinking they would incriminate themselves. Regarding this problem, I spent some time discussing my personal life so as to win their confidence and convince them as to my true identity and needs. This effort paid off as it finally provided me with what I thought were honest answers.

b Inability to conduct group discussions

Conducting group discussions was one of the data collection methods in my initial research plan. Basically this plan was made with the aim of making the data collection an empowering process. By making men and women discuss their social problems in public, I was hoping to contribute towards developing a tradition of open discussion, which seems to be lacking in our society. Unfortunately, this was not possible and the group discussion remained a plan on paper. My suspicion is that since I was not affiliated with any development agency or organization, people were reluctant to come to such meeting.

However, while reviewing the interviews in my diary the conversation I had with one woman made me think there may have been other factors for the failure of the group discussion plan. I was telling the woman about the arrangement I made with another woman, whom she happened to know, to gather the neighbours for a group discussion the next morning and I invited her as well. She asked why the woman was chosen to organize the meeting and wondered whether there was anything special about her that made me pick her among the rest of the people. I did not realize it then but now I wonder whether some people felt disrespected to be called to a meeting by someone of equal or lower status. Perhaps I should have gone through the most respected people in the area.

c Belonging to different time and space

Some of the questions which I considered quite objective, with no hidden meanings and therefore easier to answer, still turned out to be difficult for people to answer for different reasons. For example 'How far is the water point from your house?' was one of the questions I did not get a straightforward answer to – I had to walk for 20-45 minutes to get the answer.

This is because most respondents did not estimate the distance in terms of kilometres or the time it took. They described it as 'a bit far' or 'near by', I had to see for myself how far or near it was from a household to the water point. I also learned that the meanings of these distance words were very different from the ones I know in town.

4 The findings in the context of the human right to water: Analysis of Menecheger and Robit areas

Under this chapter the human rights approach to development and to the water sector in particular is discussed. Moreover the findings from the research area are used to discuss the discrepancy or otherwise of the water situation with regard to the human rights principles.

The rights-based approach to development

'Right' is a legal term with its legal definitions. Black's law dictionary defines right as 'a legally enforceable claim of one person against another that the other shall do a given act or shall not do a given act'. Another definition by the same dictionary emphasizing the need for law in their various forms, defines the term as 'a power, privilege, or immunity guaranteed under a constitution, statutes or decisional laws or claimed as a result of long usage'.

When it comes to human rights the term is more qualified. By their nature human rights principally concern the relationship between the individual and the state. Accountability of states is at the core of human rights princi-

ples. It is this approach, the human rights approach to development, that has been recognized as making a difference in improving the livelihood of the poor. The approach, based on people's rights to development granted by international and national legislation, obliges states to act towards the fulfillment of these rights. The main criticism of this approach also concerns this emphasis on the state and citizen relationship as debtor and creditor, for the simple reason that there are states that cannot afford it (Moser, 2001). For instance the recent debate about globalization is that the globalization process undermines the state's position as the fulcrum of political accountability. Particularly in the case of so-called 'collapsing' states, inter-government human rights frameworks would appear to have little potential to strengthen poor people's livelihoods'(Moser, 2001). However, a counter argument to the globalization debate's effect on state's ability to ensure human rights, is that:

> *'When states are weaker there are compelling arguments for strengthening international society policy norms and principles to guard against new forms of vulnerability, as well as to enhance people's capacity to take up new opportunity'* (Moser, 2001*).*

Basically there is now a consensus that human rights, as a result of their global legitimacy, are believed to add value in the improvement of livelihoods of the poor by compelling states to strive to wards this goal to the maximum resources available.

Rights-based approach to water

Water plays a vital role in all the development sectors in a given society and yet billions of people worldwide do not have access to clean water. The rights-based approach to water has therefore to do with fulfilling citizens' basic need for water as a major part of development processes.

> '*A rights-based approach has implications for a range of actors concerned directly and indirectly with water. Governments, as primary duty bearers, must take concrete steps to respect, protect and fulfill the right to water and water-related rights and assure that anyone operating within their territory does the same'* (WHO 2003:10).

Most important to this study, the approach is:

> *'…premised upon the principles of freedom, discrimination and equality between women and men which are closely associated with issues of accessibility'* (Moser, 2001).

Recently the social, eonomic and cultural committee implicitly recognized water as a human right under recommendation number 15. Prior to the adoption of the recommendation there were international as well as national laws that could be interpreted to recognize water as a human right. In addition to these laws, people have their own tradition governing their behaviour in relation to water sharing among themselves. The following section will discuss the different legal regimes governing water rights.

International instruments on water rights

Internationally recognized human rights are those included in the international Bill of Human Rights or those elaborated in subsequent instruments adopted by the United Nations General Assembly. The international Bill includes the Universal Declaration of Human Rights and the two covenants adopted on the basis of that declaration that is the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The most relevant convention in relation to water rights is the Covenant on Economic, Social and Cultural Rights. Article 11, paragraph 1 of the covenant recognizes one's right to an adequate standard of living. This article can be interpreted as an implicit part of the bundle of human rights that make up the right to livelihood.

The right requires at a minimum that everyone should enjoy the necessary substantive rights. The article lists such rights as adequate food, clothing and housing.

In 1992, an international meeting on water and other environmental issues was held in Dublin, Ireland and the Dublin Principle was reached:

> *'This principle asserts that water is a finite asset and its use should be decided through discussions between all the stakeholders.'*

At the 1993 Earth Summit, United Nations Conference on Environment and Development held in Rio, Brazil, the necessity of securing fresh water resources was advocated. In 1996 the World Water Council was established for the purpose of further advocating water use. However, the milestone was set as far as human rights to water was concerned, by General Comment No 15 of the Committee on Social, Economic and Cultural Rights that explicitly recognizes water rights of citizens.

General Comment No 15 (2002) held that the list under article 11of the Covenant on Economic, Social and Cultural Rights is not exhaustive stating:

> *'The right to water clearly falls within the category of rights essential for securing an adequate standard of living since it is one of the most fundamental conditions for survival.'*

The international instruments are more important in defining what exactly the right to water entitles people to:

> *'The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.*[2]

The key words in defining access to clean water are: 'sufficient, safe, acceptable and physically accessible' – these elements should exist together for the water supply to be termed as accessible.

Sufficient water in the two areas under research

The Committee on Economic, Social and Cultural Rights defined sufficient water as water supply within one kilometre (a 30 minute round trip).

It is estimated that households within the range of such distance will collect 20 litres per person per day. In practice the amount of water collected every day by households is largely determined by how far the source of water is from the house (WHO, 2003:12).

The data collected in Mencheger on the distance of households from the water point in this area are classified into three groups. These are households found 45 minutes one way (3 kms) from the water point, households located within a 2 kms radius from the water point and those found only 10-15 minutes walk from the water point.

People living one hour away don't even come to the water point to collect water, therefore are excluded from the categories. For example, Dejyitnu and Abaynesh live one hour away from the water point. I found them one morning at Mencheger and they said that they did not come just for the water, in their words this is why they came:

> *'We heard that there will come people to immunize our babies, we carried bottles to collect water from the water point on our way back otherwise we don't come, it is too far.'*

These people collect their water from the Nile.

The data showed that people within the first category fetch on average 25–30 litres per day for an average family size of five, whereas households under the second category collect 40–45 litres daily for the same size of

[2] Article 15 Recommendation no 15

family. People in the third category do not collect more than 50 litres under similar conditions in the two categories. The people in this area use *madigas* (clay pots) that can contain 20–25 litres. The whole amount of water was computed by multiplying this amount by the average trip to the water point daily.

The data collected at Robit is not classified in the same manner as that of Mencheger. This is because people in this area have alternative sources of water to use for different purposes. Most people in Robit have wells within their homesteads. Some people use water from their boreholes only for cooking and washing while they fetch the water for drinking from the water point.

As to the amount of water collected daily by households in this area, most respondents said they couldn't tell. This is because most people in the area have water wells and take water whenever they want and in whatever amounts for the particular purpose.

As opposed to that of Mencheger, in Robit *madigas* are used mainly to store water in the house and people use other containers to fill them. Therefore the amount of water consumed in the area is estimated by considering how many times per day the *madigas* are emptied and filled with some addition of the water used without being stored. The findings as to the maximum amount of water used in this area shows that people use about 60 litres per day for an average family of five.

The inverse relation between the amount of water to be collected and the distance of water sources, that is the nearer the water point is the more water collected by households, is further validated by the findings In the two areas. However, what was also evident was that even people with basic access as defined by the WHO, do not collect the minimum amount estimated to be collected.

Those households with basic access collect 12 litres in Mencheger and 13 litres in Robit per person. This is less than the minimum amount expected to be collected and considered enough for consumption and some compromised hygiene.

This calls for an awareness campaign about hygiene and the proper amount of water needed for people every day.

Safe and acceptable water in the two research areas

> *'Water must be safe for drinking and other household uses. Drinking water must be free from micros and parasites, and chemical, physical and radiological hazards that constitute a threat to a person's health. It must also be acceptable in terms of colour and odour'* (WHO, 2003:15).

The Drinking Water Quality Surveillance of Ethiopia defines what clean water constitutes as follows:

> *The basic requirement of safe drinking water is that it shall be:*
>
> - *Free from pathogens (disease causing organisms);*
> - *Containing no compounds that have an adverse effect – acute or in the long term – on human health;*
> - *Fairly clear (turbidity and colour within acceptable limit);*
> - *Containing no compounds that cause an offensive taste or smell;*
> - *Not causing corrosion or erosion of the water supply system, not staining clothes washed in it.*

The document further holds that, as a general rule, there shall be no compromise in the above basic requirements of drinking water quality:

> *'Reports on water quality in various parts of the country indicate that the existing situation needs urgent attention'* (Drinking Water Quality Surveillance: 13)

Concerning the safety of water in the Amhara region, the welfare monitoring survey of the region responded that, according to the survey, the overwhelming majority (about 87 per cent) of households have no access to clean water. Instead, they are forced to use unsafe drinking water from unprotected wells, rivers and water points. As a result, many people suffer from waterborne diseases.

People in Mencheger have one water point that provides clean water. This water point pumps out underground water. However their access to this point is limited by different factors. Water from the ground is generally clean. However, in some instances it can be salty or have an excess of some elements that can be hazardous to health. For example, most of the ground surface water sources in the rift valley areas of Ethiopia contain excess fluoride that can destroy the teeth and bones. However this is not the case in this region.

People in Mencheger do not have boreholes due to the nature of the area. The land is too rocky to dig wells by hand, the only mechanism that is available to the people in this area.

The people who cannot access the water point for different reasons resort to the Nile river, which is an hour to 45 minutes walk one way, depending on the location of their households. In rainy seasons, there are usually ponds everywhere and these are used as sources of drinking water for households, especially for those who are cut off from the water point by the muddy roads. These people use these water bodies permanently until the roads dry up.

The safety of these water sources is highly questionable. By their nature they are not treated and protected in any way.

However, people's biggest concerns about the safety of water came out in relation to the Nile river which flows throughout the year. The inhabitants complain that the two tannery factories built alongside the river release waste from the factory into the river. Ato Ateka (50) who lives in the village adjacent to the river said:

> *'We complained to the government that these factories are polluting our water, the officials once came and saw but they said the factories are not releasing waste into the river. This is because the officials came during the day time but the factory people release it at night. We also heard that they have underground pipes connected to the river to release the waste through. Early in the mornings, the smell is in the air and at times you can see the waste floating on the river.'*

Degiyetnu, another woman living in Mencheger also said:

> *'Even our cattle are refusing to drink let alone us. The smell is terrible and if we wash our clothes with that water they smell so bad afterwards: the factories are polluting the water.'*

The attempts made to talk to the factory managers were not successful and one of the two factories was not operational at the time of visit. However I managed to talk to the workers' representative of the other factory. He started by denying the allegation made about the factory by the people. He claimed that the factory only draws water from the river and does not release waste into the river. As to where the waste is disposed of, he held that the factory had a purification system. As he explained it, the system purifies the waste and the water is then released into the front yard of the factory for the production of eucalyptus trees in the compound.

However, I was not allowed to go into the factory and visit the processing for myself. The only government official in the regional capital with whom I could discuss the matter was Ato Birhunu. He is an official of the Bureau of Finance and Economic Development of the Amhara region. The discussion centred around what information and views he had on the issue. Though he said he did not have detailed information, what came out of our discussion was that there could be conflicting interests between the region's desperate need for development and the people's emotional or spiritual attachment to the Nile, which may make their opinion biased, according to him. He then added:

> *'I hope you are not of the opinion that we should do away with the small number of factories we have.'*

In attempting to uncover what other attachments the people have to the Nile, I questioned the people about what the Nile means for them, apart from being a water source. Most of the information was drawn from the children concerning this issue. Asmera (15) said:

> *'Nile brings rain when the rain stops and if it is planting season the people slaughter an ox and spill the blood into the river, then the rain comes in the following days.'*

Most of the adults were not willing to discuss such matters with me. This is probably due to the contradiction that exists between their spiritual beliefs and the Ethiopian orthodox Christian church, whom most belong to. The church condemns such spiritual beliefs as 'evil work' despite such beliefs co-existing with Christianity.

At this point, the data was too limited to conclude whether the factory was polluting the Nile or whether the people are so emotionally or spiritually attached to it that they cannot accommodate any changes concerning the river. However, I believe that there can be no justification for polluting the only water resource the people have. This for example is the case in the Abay village which is adjacent to the river. These people have to walk for about an hour to get to Mencheger water point. Besides, if they are that emotionally attached, it is 'because the Nile is giving them rain'. Perhaps if these people were empowered enough to make use of the Nile itself for irrigation they would not slaughter their cattle for rain. Perhaps they would not be too sensitive about changes and development in the Nile.

In Robit the major source of drinking water is private wells. In fact, there is also a water point in the area to which people's access is different.

As to the safety of the water from the wells, people have different opinions. Groundwater is generally safe, however it might get polluted in the process of being used.

The main threat to the safety of this water source in Robit is that it is used for both *chat* production and domestic use. *Chat* is a kind of mild narcotic drug. It is legal to produce as well as to sell this product. It is becoming the money plant for the people in this area. In fact men now dig the wells since *chat* production was introduced to the area. As one woman described it, the women benefit from accessing water nearby, as a spin-off from *chat* production.

Only a small number of households have separate wells for domestic use and *chat* production, those for the *chat* remain uncovered most of the time during cultivation. As a result, it is common to get dead rats and frogs in these boreholes. Some households keep particular boreholes exclusively for domestic use. Other households collect water for drinking from the water point so that they have safe water at least for drinking and they use the well water for washing and cooking.

Another source of water for the people in this area is the river called Enewo. Enewo river has a very small volume of water, it only runs during the rainy season and the following months and then it dries up in the dry season.

The *chat* production, once again, is blamed for polluting the Enewo river. A woman who did not have a water well and *chat* production, said:

> *'With chat donkeys came to our village to take the product to the town. The donkeys drink from Enewo where we get our water, they are polluting Enewo.*

Physical accessibility of water in the research areas

Distance is not the only factor that limits accessibility of water. Physical accessibility, in this case, can also be understood to mean accessible roads to water points. In both areas of the research, inaccessible and seasonal roads effectively curtail people's access to water. In Mencheger, a substantial proportion of the inhabitants are cut off from the water point during the rainy season and the following months since the mud blocks the way. In

the highlands of Ethiopia, the rainy season runs from June to September. This means that these people would be denied access for the whole four months and the following month until the mud dries up.

However, during such times, people on the other side of the mud will have better access to the water point, in terms of shorter queues since fewer people come to the water.

Some roads may not be accessible to elderly and disabled people in the area, for example, Ato Endalew (77) and Woizero Tihun are husband and wife they both have a sight problem and have no children. Ato Endale can hardly identify people while Woizero Tihum has one eye, which is not very good. She said:

> *'We get our water from Enewo river. The way to the water point is not convenient from our house as there are high and low places and it is dangerous for someone with a bad eye like me.'*

Affordability of water in the research areas

> *'Water should be treated as a social and cultural good and not primarily as an economic commodity'*(Raja, 2003:2).

Privatization of water supplies in different countries has been argued as interfering with people's rights to water. However, the Committee on Economic, Social and Cultural Rights in declaring water a human right did not make reference to privatization. This was due to the agreement between the committee members not to 'politicize' the issue. However states are still accountable for private sector actions which may jeopardize people's access to water by making it unaffordable.

In the Ethiopian situation water resources and supply are exclusively owned by the state. However, people are bound to cover the full cost of services for urban water supplies. This concerns those who are connected to the system of supply but those people in rural and deprived urban areas buy their water from private sellers.

> *'It is a sad irony that it is often the poor who receive the lowest levels and least reliability of service and water of inferior quality who pay most per litre for their water'* (WHO, 2000:16).

Research conducted in a village called Astede Mariam in Gonder, another zone in the Amhara region, revealed the same finding:

> *'People living in the capital Addis Ababa, pay around 1.50 birr (0.187 dollars) for 1m^3 of water (1250 litres). In Atsede Mariam, the cost of 1 m^3 is 3 birr (0.24 dollars).*

In Mencheger people are supposed to pay 50 cents (0.062 dollars) per month. The price is fixed regardless of the amount of water collected by the households for the month. This is a lower price compared to the Atsede Mariam area where people pay 5 cents per 25 litres. But still, people in Mencheger, like those who can only collect 40 litres per day, pay more than people in Addis Ababa pay for the same amount. This is without taking into account the labour and time spent collecting the water.

In Robit the same amount of money is required to be paid for water from the water point. However, in Robit the amount 6 birr (0.7 dollars) is paid per year. In my view these amounts cannot be held unaffordable. Research in areas with similar living standards like Atsede Mariam show that if people believe in a cause, they will pay.

It is the willingness that is lacking in both areas. Such attitudes were shown when people gave different reasons for why they do not want to pay. Some feel that water should be given for free. Others want some discount in the water fees. Some think they should be charged based on the amount of water they fetch during the whole month. As a result people are reluctant to pay the amount set by the water committees. The committees are also blamed for not performing their duties, like keeping the water point clean and fenced to prevent cattle from entering the area. And some who pay feel taken advantage of by the water committee since some do not pay and get away with it. This all adds up to make people unwilling to pay.

This also shows the incapacity of water committees to mobilize and persuade the people to contribute. In Mencheger, people do not even know whether there is a committee or not, they only know the man that comes once a month to collect the money and the following day he prevents the women who did not pay from accessing the water. Whereas in Robit there is a committee with two men as chairperson and secretary and two women as committee members. The main duty of the committee is to collect water fees and maintain and clean the water point.

However, the money collecting process is not accountable and transparent. The money collected is kept at the house of the chairperson. The amount is unknown to the members and nothing has been done with the money so far, assuming it is safely kept in the man's house. What was also apparent from the function of this committee was the low participation of the female members.

The General Comment No 15 (2002) goes further than recognizing water rights of women. It also takes cognizance of the gendered role of women in society as collectors, users and managers of domestic water. And yet they are poorly represented in decision-making process concerning the resource. To this effect, the General Comment Article 16 (a) holds that:

> *'State parties should take steps to ensure that women are not excluded from decision-making processes concerning water resources and entitlements.'*

For example despite her position as member of the committee responsible for collecting money, Enguday only participates in cleaning the water point. She gives the following reason why she does not participate in the collection of money:

> *'When we were trained three years ago by the organization that set up the water point they told us that we should participate in all activities of the committee, however only the men do the collection since collection is done by going around the households early in the morning, they (the men) said it is not safe to go with women because the dogs in the households might attack us and in fact the dogs are dangerous therefore we only participate in the cleaning of the area not administering of the money.'*

What could be said about the water fees from the findings in these areas is that it is only natural for the people to be reluctant to pay if they do not know where the money is going. However, it can also be held that there is little awareness as to the value of clean water. Most people who suggested paying based on the amount they have collected were those people who fetched water from ponds near their place in the rainy season, despite their access to the water point.

National legislations on water rights

I divided the national legislation on water rights into two broad categories for the purpose of this study:

1 Laws before the 1994 constitution;

2 The 1994 constitution and subsequent laws.

The laws under the first category do not offer much in relation to water as a human right. However they are worth mentioning since they have provisions on water management and their rationales could be useful to show the society's conception of water as a human right. After all, laws are to some extent the expression of societal beliefs or cultures.

The 1994 constitution and subsequent legislation incorporate provisions that can be argued to recognize water as a human right, though not in so many words. The 1994 constitution is the first constitution in Ethiopian history to recognize second generation rights (social, cultural and economic rights), which is the category of rights most relevant to the issue at hand. The constitution's provisions will be discussed in detail.

Laws before the 1994 constitution

The 1955 Constitution of Ethiopia

Water has been a legal issue since the adoption of the 1955 revised constitution. The constitution declares all natural resources, including water, to be the state's domain. However, it allows private ownership of water resources of significantly private importance attached to one's holding (land). Based on this general framework provided under the 1955 constitution the 1960 civil code came up with more detailed rules concerning the management of the resource.

The 1960 Civil Code of Ethiopia

Recognizing water resources as a common good, the law prioritizes community interests over other rights on running water and rivers. However, it gives individuals better rights over water that runs through their private land.[3]

Another important introduction by the code was that the landowner's right to use the water in excess of domestic use is limited by the neighbour's right to use the same water for domestic use. Domestic use is defined by the code as water for personal use, that of the persons living with him and for watering his cattle.

The article under the title 'neighbours' rights' states as follows:

> *'A landowner who has water in excess of what he requires (the code only uses masculine terms unless it is specifically about women) for domestic purposes should give water to his neighbours, the water indispensable for their domestic use, where they cannot get water elsewhere except at exaggerated cost.'*

It can be inferred from the above article that there is a societal understanding of a duty to share water for domestic needs.

The 1994 Constitution of Ethiopia

The 1994 constitution is a departure from the previous two constitutions of the country in many respects. However, for the purposes of this study, the introduction of provisions of fundamental human rights in an extensive manner in this constitution is more relevant. Fasil Nahum in his commentary on the constitution holds that:

> *'One third of the provisions of the 1994 constitution deal with fundamental rights and freedoms. This is an unusually high percentage, (compared to the previous constitutions) which reflects the importance attached to fundamental rights and freedom by the constitution' (*Nahum: 9).

Among these provisions two can be interpreted to acknowledge water rights. These are the right to development (Article 43) and the environmental right (Article 44).

The Right to Development (Article 43)

Two of the sub-articles of this Article are even more relevant in relation to water rights:

1. *The people of Ethiopia as a whole, and each nation, nationality and people of Ethiopia in particular have the right to* ***improved living standards*** *and sustainable development* (emphasis added).
2. *The basic aim of development activities shall be to enhance the capacity of citizens for development and to* meet their basic needs.

It is common knowledge that water is essential to secure an improved living standard in any society. Without adequate potable water it is impossible to imagine an adequate living standard let alone an improved one.

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[3] Civil Code, Article 1232.

Therefore the sub-article can be interpreted as implicitly recognizing the right to water amongst basic needs essential for an adequate standard of living.

The same can be argued in relation to granting people the right to sustainable development. Sustainable development is usually given an environmental definition,[4] however, the second sub-article defines the basic aim of development under the Ethiopian constitution. Meeting people's basic needs is at the core of sustainable development under this constitution.

Water has not been among the classical list of fundamental needs of human beings, which are food, shelter and clothing since water has been taken for granted for so long. Now there is awareness that water is a finite natural resource, which needs to be used in a sustainable manner.[5] Moreover, there is now consensus that the resource should be treated as an economic good so that it will not be abused and at the same time as a social good so people are not denied basic water needs just because they cannot afford it.

Therefore if development is to ensure basic needs to its people, the right to water naturally follows from the right to development.

Environmental right

> *'All persons have the right to a clean and healthy environment'* (Article 43:1)

The above statement is as good as recognizing water rights implicitly since it is nearly impossible to think of a clear and healthy environment without clean water. Fasil Nahum, while commenting on this article, calls the constitution farsighted and courageous to recognize such a right considering the many problems the country is facing. He further added:

> *'…one can imagine the tremendous work ahead just to be able to provide potable water'* (Nahum:172).

The challenges are evident on the ground. In both the research areas, Mencheger and Robit, the people's constitutional rights to basic water as well as their environmental right are far from being fulfilled. In Mencheger people's access to clean water is limited due to different factors. The only water point that provides clean water is too far for some of the inhabitants to use as a permanent water source. Others are prevented from accessing the water point due to seasonal roads that are blocked by mud in the rainy season. All these people resort to unprotected ponds and rivers. In Robit people are highly dependent on wells dug for their gardens which usually remain uncovered so it is common to find dead rats and frogs in them and as a result they are highly susceptible to pollution.

The Ethiopian Water Resource Management Proclamation No 97/2000

The purpose of this proclamation as stated under the proclamation is:

> *'… to ensure that water resources of the country are protected and utilized for the highest social and economic benefits of the people of Ethiopia, to follow up and supervise that they are duly conserved, ensure that harmful effects of water are prevented and that the management of water resources is carried out properly'(Article 3).*

The proclamation introduces detailed rules on permit systems, exempting water use from hand-dug water wells and water use for traditional irrigation, traditional animal rearing and mining as well as water for mills. Article 7 of this proclamation gives priority to domestic use over any other water uses.

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[4] Sustainable development is the use of resources without jeopardizing the future generation ability to use.

[5] Ever since the club of Rome warned the world that resources, including water, are finite in a report called 'The limits of growth' in 1971, the world has been searching for ways to make the best and fairest use of water.

Unless it is argued that if the aim of this proclamation stated above is met, the right to water would materialize, there is no other value added by the proclamation to the national laws of the country as far as water rights are concerned.

The rights-based approach is better observed in the water resources management policy than in this proclamation. Among the six principles of the policy, one states as follows:

> *'As far as conditions permit, every citizen shall have access to sufficient water of acceptable quality to satisfy basic human needs.'*

However, policies do not have binding effects in giving people rights and obliging states. They only reflect the state's programmes to work towards that goal.

Policies are especially important in relation to second generation human rights, where state obligations, by their nature, are not automatic but progressive. Government polices would be useful in assessing what steps are being taken by the government to fulfill such rights. These instruments will be discussed in more detail.

People's traditions on water rights

As far as people's traditions on water rights are concerned, relevant evidence can be found from oral literature and interviews with people as to their beliefs about the concept of 'water rights'. Of course most people do not express their views in legal terms.

The interviewees in Mencheger and Robit almost all agreed that no one should be denied water for domestic use. There is an established tradition of water sharing among neighbours and not only the water on one's land or from private wells but even water fetched from distant points and rivers. The sharing of water is not limited to neighbours. Even strangers from other communities feel free to ask for water. People feel even more obliged to give drinking water to passers-by who may have been walking long distances and do not know where to find water in that particular area.

One interesting point that could be mentioned as an exception to this 'rule of sharing', is sharing water between 'enemies', as they put it. People answered in the affirmative as to whether they would give water to their enemies. What they would not do is to ask for some from enemies. This is due to the suspicion most have that their enemies could poison them through the water, which they would not do to them.

The following interview with Woizero Yenenat, a mother of four minor children and a wife in a rich household is a useful summary of people's practices concerning water sharing and some new dynamics introduced with time:

> *'Water should not be denied to anybody, we give to each other freely. If I have guests or tartim (social gathering of women to drink coffee together and discuss social affairs) and do not have enough water to prepare food and coffee, my neighbours will give me some. This is what everybody does unless they are enemies. But these days, I don't feel comfortable to give water to passers-by, especially from the town, and as a result I am teaching evil to my children to say no to such people asking for water if I am not around. When I am around I make sure that my children do not use the same cup as those used by these people. This is because I am afraid the strangers may transmit the new disease (AIDS) to my children. Otherwise a person who denies water must be egziabher yetetala, someone in trouble with God.'*

Perhaps if people are reluctant to share water with AIDS patients from their households it would be plausible that they may exert undue pressure on such people coming to the common water points to fetch water as well. However, this research did not look into this issue deeply enough to substantiate this point. From this interview I could also say that there is need for more awareness campaigns about the modes of transmission of HIV.

Moreover, there seemed to be a wrong assumption that only people from town will have the virus, which could lead people to be less cautious amongst themselves.

The oral literature in the community can be indicative of the duty to share water. There is a saying In the Amharic oral literature that goes: *wohayeresa matebiya new*. The riddle can be translated as 'water is something you wash a corpse with'. The message could be understood to mean even the dead have a right to a decent shower, let alone the living.

Their conception of water rights in the society is limited to the duty to share water among themselves and does not extend to the government obligation to provide them with water. One woman who thought I had been sent by the government to see the water situation in the area held that the government should not worry about them to that extent. She said *mengist techeneke* to mean the government worries too much.

Gendered implications of inaccessibility to water

In relation to women and children's rights to water another important international covenant is the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the children's convention. Article 14 of paragraph 2 of CEDAW obliges states parties to ensure women's right to enjoy adequate living conditions, particularly in relation to water supplies, among others. Article 24 of the Convention on the Rights of the Child gives the child a right to clean drinking water. This is the first internationally binding human rights instrument where the right to water is directly expressed (Hellum: 127).

The Covenant on Economic, Social and Cultural Rights not only recognizes human rights to water but also gives special consideration to vulnerable groups in societies in relation to this right. To this end Article 16 of the General Comments No 15 (2002) states:

> *'Whereas the right to water applies to everyone, state parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minorities, disabled persons, migrant workers, prisoners and detainees…state parties should take steps to ensure that children are not prevented from enjoying their human rights due to the lack of adequate water in educational institutions and households or through the burden of collecting water. Provision of adequate water to education institutions currently without adequate drinking water should be addressed as a matter of urgency.'*

This is in recognition of major gendered implications of water issues.

> *'Often in developing countries, it is women who have the job of hauling water, and it is estimated that over 10 million person-years are spent by women and female children carrying water from distant sources every year' (Facts about water, 2002:7).*

In both the research areas, it was found that mostly the girl children are responsible for collecting water. This is usually to help their mothers or in the absence of the latter, girl children act as little mothers in the house. In the following section the implications for girl children's right to health, education, and leisure as a result of their responsibility to collect water will be discussed based on the data collected in the two areas.

Children's responsibility to collect water

Mencheger

Under the gendered division of labour, fetching water is a job for women and girl children. However, it is not unheard of for men and boy children to collect water. Men and boy children collect water in limited circumstances. Men usually fetch water at harvest time in order to prepare land to crush the harvest plant. Harvest takes place once or twice a year depending on what was planted.

One man, Amare, whom I met one morning at the water point, however, was collecting for the domestic need:

> *'I am collecting water for the house. I sent away my wife last week. We did not get along well therefore I am fetching just until I bring a wife.'*

Bringing a wife home was not only observed to be relieving men from fetching water but also some girl children. Amarach is a first born. She dropped out of school when her mother died so that the smaller children could continue school. Since there are no women to do the housework she had to remain at home. I found her at the water point and she had the following to say:

> *'He (the father) brings a wife soon and everything will be ok I can go back to school. The wife can do the housework.'*

What was also found was that boy children from poor households work for richer households fetching water. For example, Alemante,a 14 year old boy, works as a farmer for Ato Ateka and he gets paid once a year in crops. Since Ato Ateka's wife has been sick from malaria he is fetching water for the household on top of his fieldwork.

Out of the women fetching water, in Menecheger, girl children constitute the larger number. The trend observed is that women fetch water until their girls reach the age where they can do the task. Most of the older women I met at the water point said they do not always fetch water. For example, Atitegeb came to the water point since her daughter (13) was sick with malaria at the time.

Robit

The primary responsibility for collecting water falls on girl children and women here too. Once again *chat* production gives a different picture as to why men fetch water in this area. Generally, in Ethiopia women do not till land; this is what men do. However, *chat* is usually produced in a backyard and using a hoe therefore women do participate in the production. But at the end of the day, it is the men who take the product to the market. And in relation to water fetching, men fetch only for their *chat* production. In cases of households who do not have

wells or in times when the water is not sufficient, men bring water from Enewo river using donkeys. An interview with Fanta Meles unearths the issues surrounding collecting water and *chat* production as well as ownership of the *chat*:

> *'I am married and have five sons and a baby girl. My husband cultivates* chat. *I also work in the yard. At times the borehole water dries up and the boys bring water from Enewo. They do not bring for me, they only bring for their father's* chat. *No, I do not take the* chat *to the market. My husband does. Why? Because I cannot sell* chat*, I do not understand how they measure kilos. Yes, I sell other stuff like eggs and butter but I cannot sell chat.'*

What is evident from the above data is that water fetching is women's responsibility. The rule is women fetch water for domestic use permanently while for men it is a temporary or a seasonal job that takes place at given times of the year or when there is no alternative. Another point is that when men collect water, it pays them in terms of cash, like collecting water for *chat* production. And during such times men use donkeys, which make the task much easier.

The right to water versus the right to health

More than 2.2 million people in developing countries, most of them children, die each year from diseases associated with lack of access to safe drinking water, inadequate sanitation and poor hygiene (Facts on water:7).

Ethiopia is among the African countries with the highest mortality rate, according to the welfare monitoring survey of the Amharara region. Infant mortality rate is 112/1000 live births.

However, under this topic, the health problems discussed in relation to access to clean water are the physical injuries girls sustain due to carrying water from long distances:

> *' Girls do enormous work at home and in the field, they carry water, collect fuel wood, cook, clean, wash, take care of siblings and act like little mothers … at the end of the day these tired girls just collapse with body aches and pains about which they cannot even complain'* (Sinha,1998:1).

Mencheger

Girl children in this area came to the water point with clay pots on their backs tied with rope around their shoulders. The local container used to collect water is called *madiga*. It is made of clay and comes in different sizes. It alone weighs 1 to 1.5 kgs. The people in the area prefer these containers to plastic containers, which are lighter because *madigas* can keep the water cool and maintain the taste.

Depending on the age of the girl, the size of the *madigas* they carry differs. Smaller children between the ages of 8 and 10 carry *madigas* that can hold up to 10–15 litres. The bigger children carry the standard size container, which holds 25 litres. These girls walk 20–45 minutes to the water point from their houses. And when they go back, they walk the same distance carrying *madigas* full of water, which as a result takes them more time. Also on their way back they do not walk up straight, they need to bend forward to keep the pot in place on their backs. Moreover, such water fetching is not something they do once a day. Depending on the size of their families and on the occasion of the day, they can fetch water two to five times per day. Besides, it is not the only task performed by these children. There are many other domestic chores like cleaning the house washing, cooking, collecting firewood and dung that must still be carried out by these girls.

Most of the children aged 11–16 in the area whom I talked to complained about backache at night and the rough, dark scars the *madiga* leaves on their backs. Asmara (14) said the following:

> *'Water fetching is very tiresome and time consuming. We put a lot of cloth around our waist to prevent the* madiga *hurting our backs but after some time, we will have a rough and dark spot on our backs. When I lie down to sleep at night that is when my back hurts so badly.'*

Robit

As discussed in detail under the previous topic, in this area most people have wells in their yards. *Madigas* that cause misery to Mencheger children are mainly used to store water in households here. Other people only fetch water from the water point for drinking, otherwise they use the water in their boreholes for cooking and washing. This means that the frequency and amount of water they fetch from distant areas is much less than that of the children in Mencheger.

Most of the children found in the area use a *kil* to collect water. *Kils* are containers made of a bamboo-like tree, which can only carry up to 7 litres. The container is lighter and is carried on the head. From the data collected, similar physical pain and scars due to carrying water like those in Mencheger were not evident in Robit.

Despite the permanent backache girls suffer from in Mencheger, most of the children do not consider themselves as having a health problem. This is probably a result of their low expectation of good health. Describing the relative nature of 'conception of health' Philip Eraham stated that:

> *'…a healthy child in Shakespeare's time was not as healthy as a well child of the 20th century. The environment disadvantages of the late sixteenth century meant that the healthy child of that age could not expect to grow as full and live as long as the child of today'* (Freeman,1992:203).

Obviously in this case the relativity is not historical but economic. Children of the same century as that of Mencheger but brought up in a different economic situation cannot consider permanent backaches as normal. In the same manner, it is a luxury to these children to be worried about scars that can destroy their beauty.

Therefore some kind of objective standard needs to be imposed to assess health of children:

> *'The right to health implies not just a right to feel healthy but to be healthy'* (Freeman,1992: 204).

If children have the right to health, they must also have a right to the condition that caters for their health. In terms of the research findings, this means that children have the right to be relieved of their burden of housework that creates health hazards.

The right to water versus the children's right to education

> *'Education is an intrinsic value in itself needing no further justification. Yet in the case of girl children, the spin-off effect it has on their lives is immense. It enables them to cope with the problem of gender discrimination. It extends the age of their marriage. They no longer would be child brides. They are better nourished and healthier, as they no longer work. In fact they become better equipped to deal with adverse situations. Schooling also provides a break in habits and culture which stifle the growth of the girl child. It opens up options and possibilities, new dreams and newer futures'* (Sinha, 1998:7).

Mencheger

Most of the parents in this area who do not send their daughters to school say it is because they need help with the housework. Mothers cannot do it all by themselves, especially where it is a large family. In the absence of mothers, girls, mostly the eldest girl child, performs housework. The common scenario is that when mothers get older, the most tiresome housework like fetching water and grinding crops will be left to the girl children.

This responsibility of girls has adversely affected the girls' right to education in this area. One or more girls will be kept out of school by their parents for this purpose. Those who are already going to school are also affected in terms of having no time to read or to do their homework. At times girl children have to go to night schools which are not safe and also take more years to complete.

Asmera (16) does not go to school. She has never been sent to school. She was given to a husband when she was eight years old. After that, she divorced and remarried three times. Recently she divorced the third husband and

is now living with her parents. Asmera said she had always wanted to go to school but 'she [her mother] would not send me'. Her mother claims that it is too late for her to go to school. People would laugh at her because she now has a big body. Asmara knows better, her mother is keeping her home to do the housework for her.

Asmara (15) is another girl in the area. Water fetching and other housework does not keep her out of school but costs her in terms of low grades and preventing her from joining the day classes which are safer and better in terms of quality of education. She describes the situation as follows:

> *'I am the first born in the house of six children. I used to go to the day school but I kept on repeating classes and as a result I am still in grade 3. I fail to attend regularly. This is because my mother gives birth to a child every two years and I have to look after her and the babies. Finally I decided to join the night shift so that I would at least attend regularly. I finish all my work during the day time and I go to school at night. I do not like this shift because it is scary to walk in the dark, I had to wait for friends to accompany me to the village but it is better than not going to school at all.'*

Yenewob is another girl child with similar views about her responsibility of fetching water and other responsibilities associated with housework. In her case, it did not prevent her from going to school but she did not have enough time to read and study. I asked Yenewob (13) whether she liked fetching water and she answered '*Yewoka fiker yelewon*' meaning there is no love with water and she continued:

> *'…But what I hate most is the time spent in the queue, especially during the dry season. We spend hours before getting water. The time I spend there is a waste. If I could get the water I would be back home soon and do the rest of the work so that I would have more time to read before it gets dark.'*

Other girl children were vulnerable during difficult times as a result of their multiple responsibilities, and had to drop out of school. For example Amerach (14) is not going to school any more, in her words this is why she dropped out:

> *'I am the first born. I have two brothers and a sister. I dropped out of school when my mother died so that the small children could continue with their education.'*

Amarach is looking forward to her father bringing home another wife. She believes then everything will be okay and she can go back to school. Most of the girls in this area go to Meskeran primary school. The school goes from grade one up to grade six. The school register shows that there are more girl students than boys.

There were 2022 children for the year 2003. Out of these students, 1075 were female students while 947 were boys. However this figure does not only show the school enrolment of girl children of the area as students come to the school from as far away as Bahirdar.

Ato Adamu Getahun is deputy headmaster of Meskeran primary school. According to him, most of the female students come from the town. Though the school does not keep statistics as to exactly how many girls come from the town or the rural areas.

> *'Most of the rural girls drop out at a certain level at grade 3 or 4. This is mainly due to the parents' need for their labour. Even though times are changing and it is now better than before, some girls still drop out as a result of early marriage.'*

He also added that even the girls who were at school were very weak:

> *'They do not participate and almost all the time it is the boy children who stand in places one to ten in class.'*

Robit

The high demand for girls' labour seemed to be replaced in this area with a higher demand for boy's labour. With the *chat* production, which is labour intensive and needs day to day follow up, boys are needed for the task. And parents keep at least one of the boy children out of school to help in the fields.

For example, Geremew's family grow *chat* in addition to other crops. And the father has the following to say as to which children should go to school:

> *'I sent the first boy, Geremew's big brother, to school and kept Geremew at home to look after the cattle and help in the field. The big boy stayed for four years at school but he could not even sign his name. Then I took him out and sent Geremew instead of him. Geremew is now in grade 5 and he came second in his class. I regret that I did not send him earlier. The big boy now works in the fields. Bossena (the little sister) is now 6. She will go to school next year. But at least one of the boys had to stay at home if the family is to survive.'*

This does not mean that girl's labour has no demand at all. Even in this area, the lower number of female students is explained by Ato Gebeyehu Kebede, headmaster of the Robit primary school, as being due to the work load girl children have.

Gebeyehu agrees with Ato Adamu about doing away with early marriage:

> *'Early marriage is no longer keeping girls away from school, it is the work load.'*

And he describes the overall situation of school enrolment of boys and girls in the following manner:

> *'The number of girl children who come for the first time is less than that of boys. However, once the girls are in school it is likely that they will complete the sixth grade. However, with the boys we are experiencing high dropouts as a result of the demand for their labour for the chat production.'*

What was evident was that domestic work was keeping girls out of school and in the same manner, boy children in Robit were kept out of school as a result of parents' demand for their labour. What was also true in Robit was that the number of boys still exceeded the number of girls in school. Unlike Meskeram school, where students from both rural and urban areas attended, Robit is accessible only to the Robit people.

I am not arguing that inaccessibility of clean water is the only factor affecting girl children's enrolment in school. It is not possible to draw together all the linking factors, at least in this research, in every child's life that affects his or her education positively or otherwise. However, the relatively positive attitude of parents in sending girls to school in places where water is not a problem, at least distance wise, is indicative that water collection adds to the many factors that keep girls out of school.

The right to water versus the children's right to leisure

Among the many rights of children recognized by the Convention on the Rights of the Child, is the right to leisure. What constitutes leisure may be different in different societies. However, in Mencheger, the right hardly manifests itself in the lives of the children in any of its forms.

Most parents also share this idea that their girl children are overburdened with housework and have no time to relax. Yetnayet is a mother of five minor children and she thinks that times have changed and children of today have no time to play:

> *'We used to play a lot during our childhood but our children cannot do the same. Times have changed. Life is getting tough. Our land is not yielding as it used to do. Therefore we have to struggle to supplement our income and pay for the fertilizers we get on loan. Our children go to the market to sell whatever we have produced, like fresh butter and eggs. They also do all the housework, fetch water, collect fuel wood, cook, clean the house, make coffee, wash, feed the*

cattle, and so on. And yet they all want to go to school. I feel sorry for my child Azmera (16). I know the work is too much for her. These days I do not even help her since I am getting weaker. But what can I do?'

Azmera (16), the eldest daughter of Wozero Yetnayet, has three sisters and a brother. She performs almost all the housework for the family of nine. She also agrees that children have no time to play in this area. She said:

'We do not play as such, but if we meet while going to the market we chat all the way there and back home. At other times we are all busy.'

Yalem Zerf (8) is already helping her big sister fetch water using smaller containers. Yalem Zerf's favourite day is Saturday because:

'On Saturday I play with my friends in the field because on Saturdays my parents will be off to the market. I do not play on other days as they [parents] do not allow me to. They say make the coffee first, clean the house or wax the floor with dung or something else.'

However for Yenewob (14), Yalem Zerf's big sister, Saturday is another busy day at the market. For her, Sundays are better in terms of having time with friends:

'Sundays are better. On this day; I chat with friends and next-door neighbours while washing the family clothes.'

In this area, it appears that young and middle-aged men have more time to relax than small girls. Almost every time I went to the water point, I met a group of men sitting in the field talking to each other while watching their cattle grazing. Most of the men's views on the water situation were collected from these people. They had time to answer all my questions.

Most of them said they sympathized with the girl children who came from distant areas to collect water. And they believed that the problem should be addressed as a matter of urgency. While discussing this issue, I heard Smeyelesh (13) asking one man sitting by the water point all the morning, to help her put the pot on her back. The man refused saying:

'No I do not have any energy to lift the pot, the malaria I got last week left me with none.'

And none of the men around offered to help the child. This made me question the sympathy the men claimed to have for these girls. It also made me wonder whether these men would set water as their priority if a development agent asked them. Men get their water fetched anyway and their consideration for the girl children and women cannot be relied on. This calls for incorporating women and children's voices in any development plan at all costs.

Robit

The findings from this area as to whether girl children have time to play were not very different from those of Mencheger. Even in Robit, the girls are busy with other housework if not water fetching. However, what was a plus in this area, in terms of leisure time for the girl child was to see them playing together at their school, Robit primary school, after school hours.

In the case of Mencheger, it was difficult to observe the same even for those who went to Meskerem primary school since they intermingled with other students from town and it was hard to differentiate. They also needed to rush back to their village after school, which is about 10 kilometres away from the school.

In support of this finding concerning the contribution of schools towards the implementation of children's right to leisure, Sananta Sinha stated:

'More than anything, schools provide leisure time and space of their [girl children] own. Thus, when in school they are no longer exploited. They no longer have to work for others. They are

discovering themselves and their potentialities and they acquire self-esteem and confidence. This is their first step towards gender equality and breaking down the stereotypes.' (Sinha, 1998:8)

To draw a direct relation between access to water and children's right to leisure would be an oversimplification of the reality. Theoretically one can argue that if children could get water within the vicinity they would have enough time to play. Such correlation would only be valid under an assumption that other factors remain constant. However, in reality, there are many active factors, beginning with society's attitude towards their right, that have a bearing on the realization of such rights.

What was evident from the findings in Mencheger and Robit was such interrelatedness of factors. In Robit the schooling of girl children had a more direct relation with their right to leisure than the accessibility of water in the area. But in the previous topic it was also discussed how the lower demand for girl child labour encourages parents to send their daughters to school.

Therefore, I argue that, considering the time consuming and tiresome nature of the task, interventions for better access to water contribute towards the realization of girl children's rights to leisure as well as other rights.

5 Conclusion

The major findings of the research are summarized in this section. Basically, all the assumptions at the initial stage of the research remained unchallenged.

As was discussed in section four, people in the research area do not have access to clean drinking water. This was determined using the WHO standard as to what constitutes access in relation to the resource. Different factors affect people's access for better or for worse. A long distance to clean sources of water is among the major factors that discourage people from collecting enough clean water and this results in compromised hygiene. In addition to that, seasonal variations and difficult roads curtail access to clean water.

Another dimension to the inaccessibility of clean water is its gendered implications. Women in their role as collectors and managers of domestic water are disproportionately burdened by the problem. This study particularly focused on the girl child rights that are being violated due to their responsibility to fetch water.

As discussed earlier, girl children suffer from permanent backache due to the heavy burden of carrying water from distant areas. Moreover, parents' dependence on their girl children's labour is the main factor that keeps girls out of school. Water fetching is among the most tiresome and time consuming tasks for which their labour is needed most. The time these children spend in collecting water also had a bearing on those who were going to school. They were affected in terms of having no time to read resulting in bad grades and the need to repeat classes. The girl children are also more likely to drop out of school in the absence of their mothers for different reasons. In addition to this, the children are denied their right to leisure, as they do not have time to rest. School-going children have benefited in terms of having time to play with their friends at school.

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