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Rural women in Afghanistan:
a gendered approach to the right to
water, participation and non-
discrimination

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International Relations

“To be a human being is to be a purposeful agent”

Anthony Giddens

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Declaration

I, Karen Johanne Verne, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date.....

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Abstract

Afghanistan is a fragile, war-ravaged and mostly semi-arid country in which water is scarce and droughts are common. In many of the country's 32,000 rural villages, Afghan women bear the responsibility for the households' water. However, accessing water is often arduous and time-consuming. The available water may not even be safe – diarrhea due to contaminated water is ubiquitous. Through a case study among women in two rural communities in Ashtarlai, Daikundi, the research has investigated the agency displayed by these women regarding water management. Moreover, the Afghan state's fulfillment of these women's human rights – to water, participation and non-discrimination - has been analyzed and assessed.

The research has revealed substantial differences regarding agency as well as access to water: In Kakrag, the Norwegian Church Alliance Afghanistan have implemented the Water, Sanitation and Hygiene (WASH) program, which apart from easy access to safe water has enabled the creation of transformative and inclusive institutions. As a consequence, gendered stereotypes have weakened and women's equal participation in water management has increased significantly. In Dahane-Shalege, there has been no WASH program, the water situation is destitute, and the women display no signs of agency in water management.

The state of Afghanistan was found to have committed human rights violations by omissions, according to the International Covenant of Economic, Cultural and Social Rights (ICECSR): The right to water, participation, and equitability, but also the women's right to health, livelihood, food, education, development and human dignity, even the right to life.

Human rights theories, the concepts of indivisibility and interrelatedness of rights, as well as agency theory have been useful when assessing the women's situation regarding water, equitability and participation. The research has contributed to understanding of the necessity of inclusive institutions in equalizing economic, social and cultural differences.

Abbreviations

AFN	afghanis
ARTF	Afghanistan Reconstruction Trust Fund
CDC	Community Development Council
CCNPP	The Citizens' Charter National Priority Program
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CESCR	The Committee of Economic, Social, and Cultural Rights
CoAR	Coordination of Afghanistan Relief
CRPD	The Convention for the Rights of Persons with Disabilities
DAACAR	Danish Committee for Aid to Afghan Refugees
P-RRD	Provincial Rural Rehabilitation Department
FP	Facilitating partner
GWP	Global Water Partnership
ICCPR	International Covenant on Civil and Political Rights
IDA	International Development Assistance
IDP	Internally Displaced Persons
IO	International Organization
ICECSR	International Covenant on Economic, Social and Cultural Rights
IWMI	International Water Management Institute
JMP	The WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation
LPCD	Liter per capita per day
MAIL	Ministry of Agriculture, Irrigation and Livestock
MEW	Ministry of Energy and Water
MRRD	Ministry of Rural Rehabilitation and Development
MPH	Ministry of Public Health

MUS	multiple-use water services
NCA	Norwegian Church Aid (“Kirkens Nødhjelp”)
NCA-Afg	Norwegian Church Aid Afghanistan
NOK	Norwegian kroner
NRK	Norsk Rikskringkasting
NUG	National Unity Government
ODF	Open Defecation Free
OHCHR	Office of the High Commissioner of Human Rights
PAD	Project Appraisal Document
Ru-WatSIP	Rural Water Supply, Sanitation and Irrigation Programme
SDG	Sustainable Development Goal
UN	The United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UNGAR	United Nations General Assembly Resolution
WASH	Water Sanitation and Hygiene
WC	WASH Committee
WUA	Water Use Association

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CHAPTER ONE

1 Introduction

Water is life. Water is one of the most fundamental conditions for survival. Water is the key to the sustenance of all animal, plant and human life. But in Afghanistan, water is scarce. Without water, sand and dry mountains dominate in Afghanistan – water is what transforms the brown dust to green fields and flowering trees. Since water has such a special, life-sustaining status, it has been recognized as a human right, *a legal entitlement*, both in itself but also as a prerequisite for most if not all other rights. The equitable right to water is also granted by Afghanistan's 2009 Water Law.

However, not everybody enjoys the right to water equally. In many of Afghanistan's 32,000 rural villages, access to water is difficult, arduous and time-consuming. As patriarchy is deep-rooted in Afghan culture, the division of labor in the conservative, rural areas is rigid. In Hazarajat in the Central Mountains, the women are responsible for fetching water to the households, as well as other domestic duties such as cooking and caring for the children. In the poor Dahane-Shalege community, the women sometimes must spend most of their day fetching the precious drinking water to their families, their vegetable gardens, and their cows and sheep. They do this by carrying heavy water burdens up or down steep hills and treacherous tracks. Sometimes, the loads are so heavy it gives them aches and pains. Sometimes the water tasks keeps them from studying, from learning how to read and write. Sometimes the water is dirty and contaminated by fecal matter. Sometimes the water makes their children sick. Sometimes the children die. And the women do not have the agency or resources to alleviate the situation.

In neighboring Kakrag, the situation is different. Even here, there is poverty and unemployment. But the water taps are close by, and the women have easy access to affordable and safe water. The children do not get sick or die, and the young women have time to go to school. This is because Kakrag, assisted by Norwegian Church Aid Afghanistan and others, have implemented the Water, Sanitation and Hygiene Program, WASH. Moreover, the women also have influence and agency, serving on the WASH Committee on an equal footing with men. This is because creating inclusive institutions, challenging gender stereotypes, and empowering women, are significant parts of the preparatory stages of WASH.

Moreover, in both communities, water scarcity is a problem. During the dry summers, there is insufficient water for the subsistence crops in the two villages. There are no dams or reservoirs in the area, containing the surface water for later use. Many of the community women have multiple water needs, for domestic use as well as for farming, livestock and horticulture. Often, lack of water for irrigation results in the loss of crops. This situation in turn exacerbates the widespread poverty in the village. But the building of high-quality dams that can store water and withstand the violent flash floods in the area is far beyond the combined resources in both the communities, and is thus a government responsibility.

However, Afghanistan is a fragile, war-torn country. Since the US-led military invasion and the falling of the Taliban regime in 2001, the government has struggled with many constraints and challenges, such as weak institutions and capacity, fiscal challenges, external aid dependency, corruption, poverty, and not to forget violent conflict and insecurity. Upholding women's rights is a constant and recurring issue. In the chaotic years after the state-building efforts began in 2001, the government has not been committed to fulfilling the rural populations' right to water, let only equitable participation. Although the government's commitment now is much improved, and the situation for rural water is steadily improving as of 2017, all of 47% of the rural population still lack access to water and likely also equitable participation in water management. Therefore, the state of Afghanistan, as the primary duty bearer of human rights as well as upholder of its own Constitution and Water Law, has committed gross violations of human rights by omission, of the Dahane-Shalege women's right to water, participation and no-discrimination.

1.1 Purpose and objectives

The purpose of the thesis is to contribute to a better understanding of the circumstances in which rural Afghan women navigate their access to equitable water and participation. Furthermore, the state of Afghanistan's role as the primary duty-bearer in this regard constitute the last part of the thesis. I mean to scrutinize the government's degree of fulfillment regarding rural women's right to water, participation and non-discrimination in the local management of water in rural Afghanistan. I will do this in the light of the government's formal laws and policies in these areas, and the experiences and degree of agency displayed by the women in the Ashtarlai case study.

The research is based on a literature review, qualitative interviews with rural women from Ashtarlai district in the Daikundi province, Afghanistan, Skype/email contributions from key informants in Afghanistan as well as relevant laws, policy documents and briefs. Grounded in

human rights literature and agency theory, the thesis will attempt to meet the objectives through the following research questions:

- How is the rural women respondents' agency when it comes to negotiating the legal plurality of water governance in Ashtarlai, Daikundi?
- How does the state of Afghanistan meet its obligations to fulfill the women's right to access appropriate, affordable, and safe water, as well as their right to equitable participation?

1.2 Structure

Chapter two introduces the theoretical framework of human rights theory. Chapter three concerns various aspects of water governance, and chapter four discusses the key concepts of agency and gender, and women's role in the political economy. Chapter five provides the Afghanistan context, including the status of women, the climate and water situation, as well as legal pluralism on water governance. Chapter six explicates the methodology, limitations and research ethics, followed by chapter seven presenting the findings from the case study of two rural villages in Daikundi, Afghanistan. Chapter eight discusses the research findings in the light of the theoretical framework, concepts, and previous research on the topic. Finally, chapter nine concludes the thesis and presents a way forward.

CHAPTER TWO

2 Human rights - to water, participation and non-discrimination

Human rights are internationally acknowledged as equal, universal and unalienable moral rights corresponding to essential human needs. According to Kerri Woods, these rights are held solely by virtue of our shared humanity, and said to be representing “especially morally weighty claims”, which again generate corresponding duties and obligations (2014, pp. 5-17). Human rights are international law, embedded in normative declarations such as the Universal Declaration of Human Rights (UDHR) of 1948, and international treaties and covenants, notably the 1966 International Covenant of Economic, Social and Cultural Rights (ICECSR) and the International Covenant of Civil and Political Rights (ICCPR). United Nations General Assembly Resolution (UNGAR) 53/144 as well as other human rights documents emphasize that human rights are *universal, indivisible, interdependent and interrelated* (OHCHR, 1996-2017).

In other words, human rights are valid everywhere, anywhere, under any circumstances, and for absolutely everyone, regardless of status, ethnicity, gender, religion, sexual orientation or any other characteristics commonly used to demarcate differences between groups and sub-groups of people. In this manner, human rights propagate unity and solidarity between people and peoples, emphasizing that what unites us is more important than what separates us.

2.1 Indivisibility, interdependence, and interrelatedness

When addressing these human rights which refer to essential human needs and claims, they cannot be broken down and disaggregated into single rights and isolated aspects. Rather, human rights must be viewed and addressed in a holistic manner. Piecemeal approaches, where the focus on addressing one concern leads to the ignoring or even violations of other important needs must be avoided, similar to the unfortunate approach of looking at a single tree, but ignoring the forest surrounding it, in a manner of speaking. Equally, the situation that in order to fulfill one right, solve one problem, address one need, and respect one liberty, one inadvertently ignores or violates other rights.

2.2 Obligations and violations

2.2.1 The State Party

The State Party is the primary duty bearer, i.e. the political institutions of the state: the constitution, laws, and policies (Beitz, 2009, p. 109). Through the national assembly 's ratification of any human rights covenant, the government must put in place relevant domestic measures and legislation, compatible with their treaty obligations without undue delay, according to their capability and resources, so-called *progressive realization* (United Nations Human Rights, 2017). Thus, the ratification of a human rights treaty is comparable to national law, with all its implications regarding rights, duties and accountability.

2.2.2 Respect, protect and fulfill

As with all human rights, the right to water triggers the tripartite framework of *respect*, *protect* and *fulfil*. The obligation to respect among other entails that State Parties refrain from interfering with the enjoyment of the right to water in any way, directly or indirectly. The obligation to protect requires State Parties to prevent third parties – organizations, companies, individuals - to interfere in the enjoyment of the right to water (OHCHR, 2003, Para. 20-24). The obligation to fulfil can be further disaggregated into obligations to *facilitate*, *promote* and *provide*. *Facilitation* obligates the State Parties to assist individuals and communities to enjoy the right, to ensure appropriate hygienic education for the prevention and spreading of water-borne diseases as well as protection of water sources. The State Parties must also *provide* the

realization of the right when individuals and groups are unable, “for reasons beyond their control, to realize that right themselves by the means of their disposal” (OHCHR, 2003, Para. 25). This provision is significant, considering that water supply in a largely dry climate such as Afghanistan, where water scarcity is a common and widespread problem, is complicated and expensive. But much of the population in the rural areas are poor, subsistence farmers whose income and other resources are too small and insufficient to address the issue in an adequate manner, i.e. “unable”. Hence, the State Party is obliged to assist these people on the issue of water provision.

Furthermore, the State Parties must *promote* and adopt legislative implementation and national *water strategies and policies*, as indicated above, ensure water is *affordable* for all, and facilitate *improved and sustainable access to water*, particularly in *marginalized* areas, to ensure the realization of the right. When ensuring affordability, the State Parties must see to that payment for water services must be *equitable*, and that poorer households not be disproportionately burdened with water expenses. This is the principle of affordability, discussed below.

Moreover, the State Parties are advised to assess and monitor the state of its water resources, including establish *competent institutional arrangements and programmes* to do so. Principal mechanisms for sanitation and the protection of drinking water quality is also emphasized (OHCHR, 2003, Para. 26-29). Finally, as explicated in ICESCR’s Para. 2, 11, and 23, the State Parties must recognize the essential role of *international cooperation and assistance* concerning the realization of the right to water. The CESCR General Comment No. 15 also stresses the responsibility and interest of the international community as well as economically developed States to assist the poorer developing States through financial and technical assistance and aid.

This inclusion of actors other than the State Party itself is most important, as it entails that developed economies like the USA, Australia and Norway have duties concerning respecting, protecting and fulfilling human rights, according to their means. By signing and ratifying covenants like ICESCR and the The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), donor countries have agreed to take on *extra-territorial* human rights obligations, by acts of commission as well as omission. According to the Committee on Economic, Social and Cultural Rights’ General Comment No. 15, Para. 31, donor states are responsible not only for assisting in the realizing and enjoyment of the right

to water, participation and non-discrimination, as well as other rights, in countries in need of aid. Donor states also have responsibility for conduct in accordance with human rights principles among its own representatives as well as that of other actors under its control (OHCHR, 2003, Hellum, Kameri-Mbote, & van Koppen, 2015, p. 71). This last concept would cover contracted actors such as for-profit companies, NGOs and individuals.

Thus, adhering to human rights principles generally and facilitating the realization of the right to water, participation and non-discrimination specifically shall be the guiding principle in all relevant development programmes conducted by international actors as well as state parties' actions and programs abroad.

2.2.3 Other duty bearers

International development agencies, IOs and NGOs more often than not subscribe to a human rights-based approach in their activities. Acknowledging the limitations of the sole focus on the State Parties' obligations, the Committee on Economic, Social and Cultural Rights often outline the obligations of international development actors in its general comments, such as the General Comment No. 15 (GC 15) on the right to water, and recommends UN agencies and other international actors assist and cooperate with State Parties in the implementation of the right to water. Moreover, large, international financing institutions such as the World Bank and the IMF are advised to consider the right to water in their lending policies and credit agreements as well as development projects (Hellum, Kameri-Mbote, & van Koppen, 2015, p. 69).

Similarly, the UNGA has stressed the importance of international co-operation and technical assistance related to the right to water, in between international actors as well as between the IOs and the State Parties (United Nations, 2013).

Finally, every one of us has a normative duty to respect and promote each other's human rights, according to the United Nations General Assembly (OHCHR, 1996-2017).

2.2.4 Immediate obligations

While recognizing that lack of capacity and resources may cause slow implementation, delays and temporary setbacks, i.e. progressive realization, it is important to note that certain ICECSR rights entail *immediate obligations* on the State Party. Among these immediate obligations are guaranteeing that the right be "*exercised without discrimination of any kind*" (equitability), and the obligation "*to take steps towards the full realization of articles 11, Para. 1, and 12*" (OHCHR, 2003, Para. 17). Article 11, Para. 1, in the ICESCR

concerns the right to food and livelihood, and the right to enjoy a continuous improving of living conditions (i.e. development). Article 12 on the other hand concerns the right to health and the state's obligation to prevent, treat and control epidemic (and other) diseases (OHCHR, 1996-2017). The duty to take *immediate steps* on matters like the non-discriminatory access to water, food, livelihood and a healthy living environment, is an indication of the gravity and urgency in fulfilling these rights. *Immediate steps* means the state cannot linger; even with limited resources, the state must instantly start specific preparations to be able to fulfill the equitable right to water.

2.2.5 Human rights violations

What, then, constitutes a human rights violation by the State Party? Does the right to water entail that unless all the people in any one country have access to safe water, the state has failed its duty as the primary duty bearer? Not quite. Human rights are dynamic concepts and therefore open to interpretation, according to Special Human Rights Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller (UN Human Rights, 2017). Hence, there is no once-and-for-all agreement or benchmarks on exactly what constitutes the fulfillment – or violation - of a human right. Any interpretation and/or concretization depends on the relevant context and is part of the international human rights discourse at any one time. This aspect of non-consensus and vagueness is important to bear in mind when attempting to assess whether a policy, practice or omission constitute human rights violations – or not.

When assessing the right to water, the International Covenant on Economic, Social and Cultural Rights specifies that it is the duty of states

“to take steps to the maximum of their available resources to achieve progressively the full realization of economic, social and cultural rights” (OHCHR, 2008, p. 11).

In other words, it is the government's commitment and the principle of progressive realization that is the heart of the matter when assessing fulfilment or violation of the right to water. Which steps have the State Party taken to fulfil the right, and how are these steps related to the funds and resources that the State possesses? Has the State Party worked to the *maximum* of its capacity to fulfill the right? Finally, mindful of the principle of immediacy and urgency mentioned above, has the state taken *immediate* steps regarding the right to non-discriminatory access to health, a safe environment free of water-borne diseases, food, livelihood and development, as specified in the ICESCR's articles 11 and 12?

Good intentions are not sufficient. Delays and omissions must be viewed in the light of the appropriateness of the steps taken and the pace of the work fulfilling the right, and the principle of maximum capacity compared to the state's available means.

It is important to note that according to the OHCHR

“There is no express permission under human rights law for States to derogate from their obligations in relation to economic, social and cultural rights during emergencies, disasters or armed conflicts. In fact, in such circumstances, more attention is often required to protect economic, social and cultural rights, in particular those of the most marginalized groups of society” (2008, p. 25).

In other words, the state may not make excuses, for instance blaming armed conflict and emergencies for not taking immediate steps with all available resources, in order to fulfill the rights. On the contrary, under challenging times, placing increased stress, hardships and suffering on the population, it is ever more important for the State Party to commit to the fulfillment of its human rights obligations.

2.3 The right to water

In the opinion of Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, the human right to water has been “very important” in addressing access to water and realizing the SDG target 6.1 (OHCHR, 2017). However, *water* is not mentioned explicitly in the ICECSR, but the right to water – and access to it - is embedded in several of the covenant's articles, among other the right to an adequate standard of living, the right to food, the right to health, and the right to life. The right to water in the specific emerged on the global stage at the 1977 United Nations Water Conference in Argentina, where “basic water requirements to meet fundamental human needs” was established (United Nations, 2010). The principles adopted at the 1992 International Conference on Water and the Environment in Dublin, the so-called Dublin Principles, emphasize the range of water needs and concerns that must be balanced: the recognition of water as an “economic good” while also recognizing the “basic right of all human beings to have access to clean water and sanitation¹ at an affordable price” (Hellum, Kameri-Mbote, & van Koppen, 2015, p. 39).

¹ Naturally, the right to sanitation is closely associated to the right to safe water, and has implications especially regarding contamination of unprotected water sources. However, the sanitation component falls outside the scope of this thesis.

2.3.1 General Comment No. 15 and other documents

The most important document establishing the right to water is the Committee of Economic, Social and Cultural Rights (CESCR) and its General Comment No. 15 (GC15) from 2003. Here, the rights in the ICESCR Article 11, Paragraph 1, and Article 12 were interpreted and specified to highlight the importance of water in its own right, as well as a condition for the enjoyment of other rights. Its Article 3 establishes water as

“essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival” (United Nations, 2010, p. 4).

Moreover, the GC15 states that *priority* shall be given to personal and domestic water, as well as water resources necessary for food production to “prevent starvation and disease”. Farming for own consumption is mentioned specifically: State Parties must “ensure that there is adequate access to water for subsistence farming”. The GC15 also emphasizes that water is necessary to realize other core obligations in the ICESCR, such as the right to housing, education, and human dignity (OHCHR, 2003, Para. 6 , 7). Another essential core obligations is the right to health, or the enjoyment of “the highest attainable standard of physical and mental health” and “the prevention, treatment and control of epidemic, endemic, occupational and other diseases” (OHCHR, 1996-2017, Art. 12). As diarrhea as a water-borne disease is a common problem in many developing countries and a particular threat to small children, this provision best illustrates the indivisibility and interrelatedness of rights.

Furthermore, women are given specific attention in the GC15, as a group who has “traditionally faced difficulties in exercising [the right to water]”. The GC15 emphasizes the importance that the State Parties “take steps to remove de facto discrimination on the prohibited grounds”, and that women

“are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated” (OHCHR, 2003, Para. 14, 16, 16 (a)).

Another important State Party obligation is to

“have a constant and continuing duty under the Covenant to move as expeditiously and effectively as possible towards the full realization of the right to water. Realization of the right should be feasible and practicable, since all States parties exercise control over a broad range of resources, including water, technology, financial resources and

international assistance, as with all other rights in the Covenant” (OHCHR, 2003, Para. 18).

This paragraph is interesting, as it highlights the continued and never-ending efforts the State Party must make in order to fulfill the right to water. Moreover, it serves as a reminder that even poor, vulnerable states possess resources enabling them to fulfill the right to water. These efforts may be anything from addressing fiscal challenges to procure economic state resources, to applying for assistance and aid from the international community.

Later human rights covenants highlight and specify the rights of marginalized groups considered to be needing extra attention and protection, such as the Convention for the Rights of Persons with Disabilities (CRPD), which came into force in 2008. CRPD calls on the State Parties to “ensure equal access by persons with disabilities to clean water services” as well as “appropriate and affordable services, devices and other assistance for disability-related needs” (United Nations, n.d., Para. 28, (2) a). Furthermore, CEDAW of 1979 contains specific obligations towards rural women, among them their right to “adequate [...] water supply” (Article 14 (h)). Just as important, Article 5(a) obligates the State Parties to take steps to eradicate gender stereotypes grounded in informal norms and practices (UN Women, 2000). A relevant example of a norm-based gendered stereotypes is the disproportionate responsibility of rural women and girls to fetch and secure water for domestic and livelihood uses, as is widespread practice in parts of Asia, including many parts of Afghanistan.

To think of a human need, reflecting a morally weighty claim and articulated in a human right, *not* linked to the need for water in some way or other, seems utterly absurd. This because water is an indispensable ingredient in all life and human activity, as signaled initially, and essential for food security. Therefore, water for the rural poor, among which subsistence farming, animal husbandry and other productive water needs are preferred livelihood strategies, is emphasized and exacerbated in the human rights literature. Water for the poor also constitutes a key element in the Millennium Development Goals (MDGs) adopted by the UN in 2000, and the follow-up Agenda 2030 Sustainable Development Goals (SDGs). The indivisibility principle, i.e. *the links between the social, economic and environmental aspects of development*, is emphasized also in the SDGs (Unicef/WHO, 2017, p. 10). I will return to the SDGs under water governance.

Finally, access to safe drinking water and sanitation was recognized as a human right by the UN General Assembly in its Resolution 64/292 in 2010, also emphasizing water as “essential for the full enjoyment of life and all human rights” (2010, p. 2). The UNGA resolution 64/292 is significant, as the importance of water and the right to safe drinking water were approved by all the UN member states. Just as important as the expressed right to safe drinking water is the reaffirming of human rights in the UNGAR 64/292 as universal, indivisible, interdependent and interrelated, as indicated. The resolution expresses the direct link between the right to water and the full enjoyment of all other human rights.

The right to water as well as the interdependence and indivisibility of rights have moved to the mainstream of the human rights and development discourse. There is now an international legal basis for the right to safe drinking water and water necessary for livelihood, health and life, against which populations, activists, IGOs, NGOs and others may use to assess the water situation in any state and hold water supply providers and governments accountable.

2.3.2 The human rights-based approach to water: indivisibility in practice

A recurring question revolves around the issue of the various water uses and needs, and which uses to be included in the right to water. Naturally, an integrated and contextual approach aims at not separating these into drinking/domestic water and water for productive uses, according to the principles of interdependence and indivisibility mentioned above. Since access to safe water is a precondition for the enjoyment of other rights, the United Nations advocate the use of a rights-based approach to the provision of safe water. This approach is a

“conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed towards promoting and protecting human rights” (United Nations, 2010, p. 15).

In other words, the human-rights based approach to the provision of water integrates international human rights standards and norms into development plans and processes. As such, it provides a guiding framework of international benchmarks not only regarding water standards, but also imposes all actors, whether they be states, IOs, NGOs or others, to include the normative principles of equality, accountability, empowerment and participation in both planning, processes and implementation. Most importantly, the provision of safe water is centered around the individual and her/his needs, and is not to be considered charity, but a *legal entitlement*. Therefore, a rights-based approach to water may serve to mobilize

individuals to participate, inform them of their rights, and empower them in the process of realizing these rights and holding service providers and governments accountable (United Nations, 2010, p. 15). The participation aspects of the human-rights based approach to water will be discussed farther down, and play a significant part in the analysis of the case study findings.

As indicated, the United Nations stresses that the right to water applies “strictly to personal and domestic uses”, but emphasizes that other water needs, such as irrigation in subsistence farming, also must be addressed when using a human-rights based approach. Moreover, the needs of marginalized farmers, including women farmers, deserves special attention, due to widespread inequitable culture and practices discriminating women. The state must ensure that

“disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including rain harvesting and irrigation technology” (OHCHR, 2003, Para. 7).

Hence, the indivisibility and interdependence principles are clearly present in the approach. In essence, the indivisibility of rights entails that all types of water use are subsumed under the right to water, as long as these are *significant for livelihood, health and life*.

2.4 Availability, quality, accessibility and affordability

As an analytical framework enabling us to make sense of the right to water, the CESCR General Comment No. 15 provides an integrated and contextual approach to the constituent elements of the right. These elements are *adequacy, availability, quality* (safety), *accessibility*, and *affordability* of water (OHCHR, 2003, Hellum, Kameri-Mbote, & van Koppen, 2015, p. 43).

2.4.1 Adequacy

The concept of adequacy entails that the water must be adequate for human dignity, life and health, or an adequate standard of living. The Committee on Economic, Social and Cultural Rights (CESCR) stresses that the adequacy of water shall be interpreted broadly, and water shall be treated as a social and cultural good. The principle of sustainability is also stressed, ensuring the rightful enjoyment of water also for present and future generations (OHCHR, 2003, Para. 10).

2.4.2 Availability and safety

As indicated, the CESCR General Comment No. 15 focuses primarily on the right to water for both personal/domestic uses, but includes also productive uses necessary for life and health. The exact amount of water needed for drinking, personal sanitation, washing of clothes, food preparation, and personal and household hygiene (i.e. domestic and personal use) will vary with climate and individual health conditions, making it difficult to agree on absolute, general standards. However, 20-25 liters per person per day (LPDP) constitute the absolute minimum amount, according to the World Health Organization, while between 50 and 100 litres of water per person per day are needed “to ensure that most basic needs are met, and few health concerns arise” (Hellum, Kameri-Mbote, & van Koppen, 2015, p. 43; UN Water, n.d., p. 2).

Secondly, the General Comment No. 15 states that the water must be adequate for drinking, personal and household hygiene, laundry, and cooking. This element implies that the water must adhere to formal standards regarding purity and safety, usually defined by national and/or local standards for drinking-water quality (UN Water, n.d.-a). The GC 15 demands that the water quality must not pose a threat to human health: “safety” entails that the water required for personal and domestic use must be “free from micro-organisms, chemical substances and radiological hazards” (OHCHR, 2003, Para. 12, (i)). In developing countries worldwide, diarrhea caught from drinking water contaminated by fecal matter is the most dangerous disease for children under five years old, killing 1,600 children *daily*, according to Unicef. Children under 2 years old are the most vulnerable, and thus the group hardest hit. Multiple episodes of diarrhea alter their gut, and prevent the absorption of essential nutrients. After two years, this condition is irreversible, putting them at risk of stunting and even premature death (2015). Hence, the gravity of the issue of stunting and deaths among small children calls for urgency and hence immediate steps in addressing the issue of contaminated water and water-borne diseases.

Thus, both in theory and practice, the interdependence between the right to water and other rights, such as the right to health and life in this case, is once again present. Therefore, the General Comment No. 15 states that priority in the allocation of water must be given to water resources required to prevent malnutrition and disease, linking and extending the right to water to the right to life, food, and health. It also highlights the vulnerability of disadvantaged farmers, including women farmers, and calls for duty bearers to ensure “equitable access to water and water management systems, including sustainable rain

harvesting and irrigation technology (OHCHR, 2003, Para. 7). Interestingly, also the FAO guidelines emphasize the water needs of poor, small scale farmers, which may be marginalized in the cases where there are conflicting needs (Hellum, Kameri-Mbote, & van Koppen, 2015, p. 45). Once again, the principle of indivisibility is present – the separation of water needs into personal/domestic and productive uses does not account for the case of rural women and their multiple water needs.

2.4.3 Accessibility

There are (at least) three dimensions of access to water. For the water to be *physically* accessible, there must be water infrastructure in place that “ensures access to sufficient quantities of water,” not only in households but also in schools, hospitals, work places and public places. According to the World Health Organization (WHO), the water source must be within 1,000 meters from the home and collection time should not exceed 30 minutes (UN Water, n.d.-c, p. 5). The wording in the General Comment No. 15 is “water facilities and services must be within safe physical reach for all sections of the population.” (OHCHR, 2003, Para. 12 (c) iii). Moreover, in the Comment’s core obligations to the State Parties, it calls for “sufficient, safe and regular water; that have a sufficient number of water outlets to avoid prohibitive waiting times [from] a reasonable distance from the household” (OHCHR, 2003, Para. 37 (c)).

UN Water on the other hand operates with the concept of the right to water [...] service “in the immediate vicinity” of the household and the other institutions and functions mentioned above (n.d.-a). Naturally, distance and time indications (“within safe physical reach”, “a reasonable distance”, “immediate vicinity” and “prohibitive waiting times”) are vague and therefore open to interpretations. The WHO’s standard of 1000 meters from the home to the water source is specific on distance, but even 1,000 meters may represent an unsurmountable effort for a frail, elderly and/or disabled individual. Moreover, one may well add that the nature and inclination of the terrain, the quality of the track or road, as well as factors like climate and temperature, will have consequences for the collection time and also the eventual hardships the woman water collectors may experience.

However, in 2017 and in connection with the Sustainable Development Goals (SDGs) Agenda 2030 target 6.1 on the right to clean water, the WHO and Unicef joined forces and created a new ladder on drinking water benchmarks, including new categories. In this Joint Monitoring Partnership (JMP) ladder, the top category is “safely managed”, which entails that the water is available on premises at all times. The second-best category is ‘basic’, which

allows for potable water not exceeding 30 minutes collecting time, including waiting. In other words, the JMP indicators are far more ambitious than the WHO standard specifications (Unicef/WHO, 2017, p. 12). I will return to the JMP ladder under water governance.

Accessibility, however, is also connected to the principle of *non-discrimination*, or equitability: “Water and water facilities and services must be accessible for all [...] in law and in fact, without discrimination on any of *the prohibited grounds*” (OHCHR, 2003). According to the UN Economic and Social Council, “prohibited grounds” means it is illegal to discriminate on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (2009).

The background for emphasizing non-discrimination as a human right is that certain groups may experience a difference in treatment or even exclusion in exercising their right to water, based on distinctions that cannot be justified objectively, so-called *direct discrimination*. This form of discrimination may be explicit in national laws and guidelines and is often related to gender stereotypes, based on social, religious and/or cultural expectations of women and men’s behavior. Indirect discrimination, on the other hand, occurs when laws and policies do not appear discriminatory per se, but have discriminatory effects in the implementation. Thus, although the *formal* laws governing water may be gender-neutral, *practice* in the form of implementing programmes, policies and plans for development and investment may overlook and even exacerbate existing gender inequalities (United Nations CEDAW, 2010, Para. III (A) (16)). One example of indirect discrimination is a mismatch between gender-neutral laws and gendered uses of water and land.

Moreover, the Human Development Report 2006 emphasizes the systematic exclusion of poor people from accessing water, due to discriminatory practices (United Nations, 2010, s. 14). In other words, both international human rights law and many national laws guarantee all users equal water rights, both for personal and domestic uses and for subsistence farming – but poor people’s access to water for multi-purpose use is still hindered by water users more powerful than themselves. I will return to the principle of equitability under intersectionality.

Still another dimension of access to water included in the General Comment No. 15 is *information accessibility*. It includes the right to “seek, receive and impart information concerning water issues” (OHCHR, 2003, Para. 12 (c) (iv)). The degree of access to relevant information in water-related affairs will have strong implications regarding women’s right to participation and agency in water management. Not surprisingly, access to education in one of

the key aspects in this regard, because without being able to read and write, the ability to seek and share information is very difficult. These aspects will be discussed further down.

2.4.4 Affordability

There are other ways the right to access water may be violated, as demonstrated with the principle of affordability as an element in the CESCR framework. The CESCR General Comment No. 15 states that water cannot be accessible unless it is also *economically* accessible:

“Water, water facilities and services must be affordable for all. The direct and indirect costs and changes associated with securing water must be affordable and must not compromise or threaten the realization of other Covenant rights” (OHCHR, 2003, para. 12 (c) (ii)).

This dimension highlights the indivisibility principle mentioned earlier, that in order to respect, protect and fulfil some rights, other rights - such as water - must be respected, protected and fulfilled as well. Notably, the right to water is not the right to *free* water (United Nations, 2010, p. 11). But the pricing of water should be based on the principle of equity: water services must be affordable for all, including marginalized groups. Furthermore, it states that “poorer households should not be disproportionately burdened with water expenses compared to richer households” and the need for “improved and sustainable access to water” in rural areas. (OHCHR, 2003, para. 26 & 27 (c)). The General Comment No. 15 also emphasizes the State Parties’ duty to provide the necessary water and water facilities to “those who do not have sufficient means” and to pay special attention to those groups and individuals “who have traditionally faced difficulties in exercising [the right to water], including women” (OHCHR, 2003, para. 15 and 16). The CESCR is here making clear that State Parties through legislation shall consider the differentiation of water costs in the governance and management of water so to account for poorer households’ lack of economic resources. The OHCHR is even more specific: “Nobody [must] be deprived of access [to water] because of an inability to pay” (United Nations, 2010, s. 11).

Thus, human rights law demonstrates a profound and clear focus on the State party’s obligation to guarantee non-discrimination and physical and economical access to water, as well as the right to information in water-related matters.

2.5 Intersectionality

However, as hinted above, women in rural societies do not constitute a uniform group, and addressing these women's water needs may fail considerably if one neglects the principle of *intersectionality*. "Gender, class, race and other divisions cross-cut one another. And this means that any group of women will have something in common - but will differ in other ways" (IDS bulletin, n.d., in Razavi & Miller, 1995, p. 28). Therefore, rather than assuming group uniformity, it is necessary to study the diverse factors that separate population subgroups and individual women from each other, as each of these factors may have strong implications on their ability to access water. Importantly, the principle of intersectionality underscores and complements the prohibited grounds for discrimination mentioned above: gender, economic class, race, age, handicap/disabilities, etc.

According to the CEDAW Committee, intersectionality is

"a basic concept for understanding the scope of the general obligations of States parties [...]. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. [...] States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures." (United Nations CEDAW, 2010, Article 111, Para.A (18)).

In addition to the gender-based discrimination women often experience, one or more of these factors or divisions may severely affect the degree of access to water in a negative way. Of particular concern is the situation for elderly and/or disabled women and their access to safe and sufficient/adequate water, especially since the factors age and poverty tend to positively correlate (Hellum, Kameri-Mbote, & van Koppen, 2015, pp. 63-64). Keeping in mind the (suggested) walking distance of 1000 meters to the water source, the task of fetching water to the household may pose great difficulties for elderly and/or disabled women. The situation may be even more destitute for elderly widows, who may not have anybody to assist them with the water-related tasks. The potential hardships of such subgroups and individuals is evident. Therefore, the nuances that arise when looking through the lense of the

intersectionality principle is essential when developing a holistic and sensitive approach to the right to water.

The intersectionality principle in the form of universal and equitable access to drinking water, meaning reducing inequalities in service levels between population subgroups, is also included in the Agenda 2030 SDGs, along with the normative principles of safety, affordability and accessibility (Unicef/WHO, 2017; UN Water, 2017).

2.6 The right to participation

The principle of participation is important to make sure that livelihood resources such as water are managed and distributed in an equal, representative and accountable manner. Participation is thoroughly enshrined in several international human rights documents: The ICCPR states that all shall have “the right and the opportunity [...] to take part in the conduct of public affairs” (OHCHR, 1996-2017, Para. 25 (a)). This paragraph emphasizes the ability to hold water providers, governments and other actors accountable. CEDAW’s Article 14.2 (a) specifically obliges State Parties to ensure women’s participation in development planning (UN Women, 2000). Furthermore, the CESCR’s General Comment No. 15 on the human right to water stresses the inclusion of women in decision-making processes in the management of water resources (OHCHR, 2003, Para. 16). We see here that the CESCR pinpoints the element of *empowerment* through participation mentioned above, as a recognition of women’s roles in the day-to-day provision, management and safeguarding of water, as well as important contributors in the agricultural economy in rural societies.

The UN Sub-Commission Guidelines on the Promotion of The Realization of the Right to Drinking Water and Sanitation provides

“guidance on what elements are essential for ensuring active, free and meaningful participation [...] Everyone has the right to participate in decision-making processes that affect their right to water [...] Special efforts must be made to ensure the equitable representation in decision-making processes that affect their right to water [...]” (United Nations Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, 2005).

Moreover, “superficial consultation or information sharing” is misleading and insufficient and therefore do not constitute genuine participation or decision-making. This inclusion is important, as powerful interests may want to present a façade of gender equality by appointing female members to, for instance, a Water Use Association (WUA), while no

substantive gender equality exists in reality. Furthermore, the sub-commission emphasizes the need for addressing entrenched hierarchies, power relationships and patriarchic structures, and calls for institutionalized processes in establishing sustainable participation and the strengthening in people's agency (OHCHR, n.d., p. 1). In other words, the State Party is obligated to create opportunities and venues for individuals of both genders to actively and freely influence decisions, i.e. without being exposed to pressure, coercion or force. The State Party must also adopt policies that creates lasting and substantive gender equality through transformative measures.

Notably, the ability to participate and exercise agency in water management is linked to access to information, and hence requires an element of empowerment through education, as indicated earlier: knowledge about water legislation and policies, as well as decision-making processes. This information must not only be accessible, but also transparent. The relationship between participation, information and transparency is stressed by the HRC Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation. For participation to be 'active, free and meaningful', it entails

Involving people in setting out the terms of engagement

Creating spaces and opportunities for engagement

Enabling people to access participatory processes and eliminating barriers they face

Guaranteeing free and safe participation

Ensuring access to information to enable people to form an opinion

Providing reasonable opportunity to influence decision-making

Providing feedback on what proposals have been taken into account and why (or why not)

(OHCHR, n.d., p. 1)

In other words, genuine participation entails equitable access to information and transparent and inclusive processes, both regarding funding and spending as well as in other areas, and opportunities for engagement, empowerment and agency. Most important, 'eliminating barriers' entails that gender stereotyping must be sought overcome, and the safety and security of the subjects participating must be warranted. The Special Rapporteur

emphasizes that participation must not be a façade or isolated instances, but institutionalized processes (OHCHR, n.d., p. 1). In this lies the warning that as façades or isolated instances, participation may consolidate unequal power hierarchies such as patriarchic structures, as well as a risk of reversal of the fulfilled right. The Special Rapporteur moreover stresses the need for inclusive participation, meaning avoiding intersectional discrimination taking place due to the well-to-do, the educated, individuals with a higher socio-economic status being overrepresented in the participatory process – so-called *elite capture* (OHCHR, n.d., p. 2). In other words, few economic and other resources have a spillover effect also on subgroups' agency and ability to participate. This negative correlation must be recognized when addressing the right to participation on the ground in development projects. Without attention to the risk of elite capture, people with a higher status and power may take control of a WUA, squeezing and keeping marginalized individuals such as poor women and the elderly away from genuine participation.

In the human rights discourse, gender-equal participation is viewed as the key to ensure that natural and other resources are managed and distributed by representative and accountable institutions.

2.7 Water as a gendered issue

According to Hellum, Kameri-Mbote and van Koppen, water is a gendered human rights issue due to the sexual division of labor in conservative rural societies in many different countries (2015, p. 1). This is necessary, because women are disproportionately burdened as child bearers and family providers, and are expected to, and usually perform, domestic and reproductive tasks in the informal/non-monetized economy. Therefore, the General Comment No. 15 specifically calls for alleviating the “disproportionate burden women bear in the collection of water” (OHCHR, 2003, Para. 16 (a)). Men, meanwhile, are expected to and usually perform other, different tasks outside the domestic sphere, and often in the formal/monetized economy. For this reason, women in conservative rural societies tend to have more stakes in accessing water. Because of direct and indirect discrimination based on gender stereotypes, the women also tend to be the ones who suffer the most from poor access to water. For instance, it is the women who bear the responsibility if their children fall ill due to waterborne diseases stemming from contaminated drinking water, and the women who are burdened with the water retrieval chores, traveling by foot for perhaps several hours a day to collect the life-necessity from a well, stream, or spring. Since women also may take part in productive activities such as farming and animal husbandry, they have practical water

demands in performing these functions, whether it be watering livestock or vegetable gardens, or irrigating fields². Hence, women's water needs are multi-purpose, reflecting their double burden of domestic and productive functions. I will return to the multi-purpose water needs of women under MUS.

The gendered division of labor is also present in water management and governance. Through stereotyping, norms and customary law often assign women to inferior positions, in the community's water management as well as government legislation and institutions related to water. When women are kept from the halls of power, not being able to make their voices heard, women's specific water concerns will not be considered in the development of water infrastructure and services (United Nations, 2010, p. 20).

Therefore, it is meaningful to interpret the right to water as a gendered issue, and the *transformative changing* of cultures and customs based on negative gender stereotypes must be addressed in the development of a society. Noting the relationship between cultural stereotypes and the legal, political and economic constraints on the advancement of women, CEDAW's preamble stresses "*that a change in the traditional role of men as well as the role of women in society and in the family, is needed to achieve full equality of men and women*" (UN Women, 2000-2009). Moreover, article 5 (a) emphasizes the necessity to modify

"the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (UN Women, 2000-2009).

Paying attention to the dynamics of gender stereotypes and addressing these is vital to achieve not just formal but also "*substantive* equality for women and girls in different social, economic and cultural contexts" and imbued with protection against direct, indirect, structural and intersectional discrimination (Hellum, Kameri-Mbote and van Koppen, 2015, p. 58, my emphasis). Only by carefully considering the right to water through its normative dimensions (i. e. adequacy, safety, accessibility and affordability), as well as empowerment (i.e. participation and non-discrimination viewed through the lens of intersectionality), will it be

² This information is available in a number of sources. See for instance United Nations: The Right to Water. Fact Sheet No. 35, or Bethany Caruso's Women still carry most of the world's water, in The Conversation, July 17, 2017, available at <http://theconversation.com/women-still-carry-most-of-the-worlds-water-81054> . Or van Koppen.

possible to rightly address the special concerns and experiences of economically marginalized women in conservative rural societies.

CHAPTER THREE

3 Water governance

Water governance may be defined as “the system of actors, resources, mechanisms and processes which mediate society’s access to water” (Franks and Cleaver, 2007, in Hellum, Kameri-Mbote and van Koppen, 2015, p. 6). International actors/IGOs as well as states, NGOs, companies and individuals have stakes in water governance, with the WHO/Unicef creating the framework and standards used globally and nationally, particularly through the UN Water Framework mentioned, and the UN Sustainable Development Goals (SDGs).

3.1 Water? What kind of water?

In spite of increased awareness of the multipurpose water needs of the rural poor, as well as the indivisibility and interrelatedness of human rights, this awareness is not always present in international development principles and programs. The afore mentioned IWRM advocates a holistic approach to water, while the SDG targets on water seems a more sectoral approach.

3.1.1 IWRM

The Integrated Water Resources Management (IWRM) templates are widely accepted by the international community and have become the dominant principles for governing and managing water in development. It is also, along with the human rights approach to water, the framework advocated by the UN.

According to Global Water Partnership, the IWRM is

“a process which promotes the co-ordinated development and management of water, land and related resources, in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems” (2011).

The key word here is ‘co-ordinated’: rather than the fragmented, sectorial, top down water management approach, the IRWM represents a recognition of the interconnected nature of different finite water sources. Moreover, IWRM addresses the sometimes-incompatible water

needs with this interdependence in mind, while also allowing for stakeholder participation. The allocation of water for domestic use versus for irrigation or industrial purposes are examples of use of scarce water resources that may, if unregulated, have detrimental effects on one or the other, or all (Global Water Partnership, 2011). As such, IWRM represents a holistic approach to water as a social and economic good, and is a tool meant to enable states, IOs, NGOs and other water governance actors to make informed decisions regarding the complexities of development and infrastructure and the allocation of water, in a sustainable and equitable manner. According to UN Water, demographic factors such as population growth and climactic changes, along with increased demand, augment the stress on limited water resources (n.d.-b). Moreover, a lot of what passes for water scarcity is by the UNDP viewed as a “policy-induced consequence of mismanaging water resources” (United Nations, 2010, p. 36). In other words, water scarcity is not a natural given, but a result of formal and informal choices made by many actors, including governments, organizations, groups and individuals. These are factors present also in the Afghanistan context.

3.1.2 The JMP indicators

The JMP ladder of water quality and accessibility indicators are illustrated in table 1, below. Two concepts in the ladder need explanation: ‘improved’ means that the source has the potential to deliver safe water by nature of its design and construction. Examples are piped water, protected boreholes, and rain water. Conversely, ‘unimproved’ indicates that the water come from unprotected sources, such as open dug wells and surface water like streams and irrigation channels. As these sources are susceptible to contamination of various kinds from various sources, they are considered unsafe (Unicef/WHO, 2017, p. 12).

Table 1: The JMP water indicators

Service level	Definition
Safely managed	Drinking water from an improved water source which is located on premises, available when needed and free of faecal and priority contamination
Basic	Drinking water from an improved source provided collection time is not more than 30 minutes for a roundtrip including queuing
Limited	Drinking water from an improved source where collection time exceeds over 30 minutes for a roundtrip to collect water, including queuing
Unimproved	Drinking water from an unprotected dug well or unprotected spring
No service	Drinking water collected directly from a river, dam, lake, pond, stream, canal or irrigation channel

The indicators in the JMP ladder are as follows: *Safely managed* indicates the water is from an improved source, is potable, accessible for all, i.e. equitably distributed, and available on premises when needed. *Basic* means potable water from an improved source, provided that total collecting time does not exceed 30 minutes. *Limited* indicates that the water is potable and from an improved source, but that total collecting time exceeds 30 minutes. *Unimproved* means that the water is from a source that in its design, or lack of such, does not protect against contamination, as mentioned. Finally, *no service* is the lowest indicator on the JMP ladder and means that the water is collected directly from stream, lake, irrigation channel or other surface water source (Unicef/WHO, 2017, p. 11). Naturally, the two lowest indicators not only entail hardships and excessive time spent collecting water, but as they are ‘unimproved’ water sources, they may also represent great human health hazards if consumed untreated.

Notably, the JMP indicators do not operate with a 1,000 meters distance to the water source, as specified by the WHO. Rather, the second top step, *basic*, specifies a maximum of 30 minutes collecting time - including waiting, and the top step *safely managed* specifies that the water source is ‘on premises’ and ‘available when needed’. In other words, the JMP indicators thus represent much stricter requirements to what constitutes physical access to water, both regarding distance and time, compared to the older human right to water documents such as the General Comment No. 15.

3.1.3 SDG6

The Sustainable Development Goal, target No. 6 concerns the human right to safe water and sanitation as well as the sound management of freshwater ecosystems, as these items are considered

“essential to human health and to environmental sustainability and economic prosperity” (United Nations, 2015).

SDG target 6.1 concerns access to potable water, and aims to *“by 2030, achieve universal and equitable access to safe and affordable drinking water for all”* (Unicef/WHO, 2017). Notably, specifications of equitability, safety, accessibility and affordability are present in SGD 6.1, clearly referencing to the normative aspects of water as specified in the CSCR’s General Comment No.15, discussed above. The WHO/Unicef Joint Monitoring Programme (JMP) monitors and evaluates the work towards reaching target No. 6.1, and has instituted ambitious indicators on water quality and accessibility, as indicated (Unicef/WHO, 2017).

The other SDG6 targets concern and/or address the rights to sanitation and hygiene, pollution, water efficiency and -scarcity, integration water resources management (IWRM), ecosystems, international cooperation, and the participation of local communities. Of particular interest is the item *not* included in the SDG6, namely the facilitation and improvement of access to water for livelihood purposes, so-called productive water: irrigation, kitchen gardens, subsistence farming. This omission is quaint, because the multiple water needs among the rural poor, who indeed are included in the phrase “universal and equitable access”, have been present in the right to water discourse for quite some time, advocated by Barbara van Koppen and others, as discussed below. Likewise, neither the principles of interrelatedness and indivisibility of rights – meaning the manner in which rural smallholders’ water needs are interrelated with and inseparable from their right to development and a “decent standard of living,” food security, and poverty reduction - are included in the SDG6.

As discussed above, the UN stresses that the right to water applies “strictly to personal and domestic uses”, but emphasizes that other water needs also must be addressed when using a human-rights based approach. Still, some development programmes display a somewhat limited scope in their approaches to fulfilling the right to water. An example of a program

addressing the right to domestic water only is the ubiquitous Unicef WASH program, i.e. *Water, Sanitation, and Hygiene* program.

3.1.4 WASH

As access to clean water and proper hygiene and sanitation is essential for human life, prosperity and development, the WHO and Unicef have instituted the Water, Sanitation and Hygiene Program, or the WASH program. WASH is the collective term, highlighting the need for addressing these core issues together. This holistic approach is essential due to the issues' inherently interdependent nature: *"All three areas in WASH support and strengthen one another. If one is missing, the others cannot progress"*. In other words, without toilets, water sources become contaminated, and without clean water, good hygiene practices like the washing of hands are not possible (Unicef, 2016 a).

Currently, WASH program teams work to improve access to clean water and sanitation in more than 100 countries. In 2015, WASH teams provided clean water to nearly 14 million people world wide (Unicef, 2016 b). In Afghanistan, WASH programs are implemented by Unicef, NGOs such as the Norwegian Church Aid-Afghanistan (NCA-Afg) and other agencies and implementing partners, as well as through the government's official National Solidarity Program, (NSP), and its successor Citizens' Charter National Priority Program (CCNPP) through the Rural Water, Sanitation and Irrigation Programme, Ru-WatSIP. WASH in Afghanistan is further discussed in the chapter about the Afghanistan context.

3.1.5 MUS

As indicated, the right to productive water is indirectly grounded in the provisions of ICECSR's Article 11, which specifies several rights inherently linked to "an adequate standard of living, including adequate food, clothing and housing" (OHCHR, 2003, Para. 3.). Naturally, the CESCR in its GC15 reiterates and emphasizes the interdependence between human rights, calling for a holistic view upon the right to water. In other words, *to fully respect, protect and fulfill some rights, other rights must be respected, protected and fulfilled as well*. For example, in manner of subsistence farming as practiced in rural Afghanistan, one may well argue that to protect and fulfill the right to food, the right to water for vegetable gardens, livestock and irrigation must be protected and fulfilled as well.

Thus, the separation of water use into domestic and productive sectors does not reflect the ICECSR's Article 11, or later documents and general comments' emphasis on the

interdependence and indivisibility of rights. Neither does this policy and practice reflect the integrated livelihood strategies and the multipurpose water needs displayed by rural women in many developing countries. Nevertheless, the structuring norm of policymaking, implementation, subsidization and financing of water services is tuned in on so-called single water use, according to dr. Barbara van Koppen at the International Water Management Institute (IWMI). This political prioritization has led to a structural/organizational “single-use planning and design” approach, where each sector specializes in a particular domain: the sector for domestic water, the sector for irrigation water, a livestock sector, etc., with little or no cooperation and coordination between these (1998, p. 2). In other words, there is a lack of understanding for the utility and benefits of addressing multi-purpose water needs simultaneously.

There are, however, alternatives to the single-use water concept. Recognizing the weaknesses of single-use planning but de facto multiple use of water, van Koppen and other actors such as the Global Water Partnership instead call attention to the concept of *multiple-use water services* (MUS): realizing the right to water through a planning and design of water services based on the multiple water needs of the rural poor. Planning for MUS, one would be assessing the range of needs as well as an often highly variable water situation and likely backlogs of water infrastructure, and perform incremental steps to access water in various ways and for diverse needs. Concretely, van Koppen advocates expanding and transforming the concepts of domestic and productive water use designs: In “Domestic *plus*” approaches and designs, productive uses such as food processing and fruit tree watering needs are added on to domestic use designs from the very start of the planning process. Similarly, a “Productive *plus*” design would entail improved access to domestic/drinking water as an add-on in, for instance, a scheme for irrigation and/or livestock water use (1998). Approaches such as the holistic, multi-sectoral Domestic plus and Productive plus seem more appropriate in addressing the multipurpose water needs of the rural poor.

CHAPTER FOUR

4 Gender and agency

4.1 Gender

Gender is an important concept in the human rights and development discourse, and may be viewed in (at least) two ways: as a *social construct* concerning the differences between men and women, as well as an *analytical category*.

4.1.1 Gender as a social construct

According to feminist scholar V. Spike Peterson, gender implies “socially constructed distinctions between privileged masculine and devalored feminine characteristics” (2004, p. 4). Gender is not simply an individual trait, but an institutionalized structural feature of social life in a particular historical context (Spike Peterson, 2004, p. 5). This aspect is important, since it reminds us of the interplay between the collective as well as the individual. Women (and men) are not just individuals, but social groups belonging in a larger cultural and historical context.

The distinction is between the biological concept *sex* on one hand, denoting actual fixed, empirical differences between men and women, for instance in their anatomy, and *gender* as a mutable, dynamic concept, not “natural” or “given” but subject to change over time and place. Moreover, using the concept of gender, we not only indicate socially constructed differences between men and women, but also elements of *power inequality*: masculine characteristics as ‘privileged’ and female characteristics as ‘devalored.’ For instance, generally accepted male characteristics such as ‘rational’, ‘autonomous’ and ‘public’ are assigned a *more positive* value by both men and women, compared to generally accepted female characteristics such as ‘emotional’ and ‘private’. In other words, both men and women tend to appreciate rationality, and belittle emotionality. In this manner gender denotes a relationship between the concepts of masculinity and femininity, meaning they depend on each other for their meaning, according to feminist scholar J. Ann Tickner (2014, p. 260).

Gender as a social construct is thus an institutionalized, structural feature that is socially imposed and internalized. In other words, it pervades and influences our work, our individual and collective identity (or rather, identities), our thinking, perceptions and ideas, our relationships, everything that is related to human thought and activities.

4.1.2 Gender as an analytical category

Gender as an analytical category pervades identities, thought, perceptions, language and practices (Spike Peterson, 2004, p. 5). Thereby it frames and reflects how we think about, act and relate to men and women as well as (their apparent) masculine and feminine characteristics. As gender tend to be internalized, we rarely are conscious of the pervasive nature of gender, and how it structures divisions of power and authority in our societies, as well as whose voices, interests, experiences will dominate the discourse. It follows that gender also structures the *division of labor*, in the words of Spike Peterson:

“[Gender determines] what counts as work, who does what kind of work, whose work is highly valued, whose is devalued, and how compensation for work is distributed”
(2004, p. 6).

Influencing our thoughts, lives, and societies, gender is an important and useful category when attempting to analyze the economic and political consequences of the policy choices we make in our societies. The concept may help us understand the nature of and reasons for why women are disadvantaged relative to men (Tickner, 2014, p. 258). Most importantly, it brings into light the adverse effects of the gendered division of labor in the global political economy. Moreover, the concept helps us understand and assess the unfair distribution of resources related to women and men, as well as unfair policies, processes and practices. Ultimately, the concept is helpful when addressing these unfair processes and practices in water management projects on the ground, as we shall see in the analysis of the case study of the Ashtarlai communities, below.

4.2 Gender in the global political economy

In line with the above mentioned masculine characteristics, feminist scholars maintain that men’s work throughout history has been considered of a higher value than women’s. Although individual differences, women are disproportionately located at the bottom of the socio-economic scale in all societies – their wages are on average only two-thirds of men’s, even though women work longer hours. This is partly since women tend to carry most of the responsibility for household labor, reproduction, child care and other unpaid tasks in the informal economy, a so-called double (or even triple) burden. Gendered constructs such as breadwinner and housewife are central to Western definitions of masculinity and femininity in the global capitalist society. These constructs indicate expectations that women’s economic

contribution to the household is viewed as supplemental to the wages of the (assumed male) head of household (Tickner, 2014, pp. 266-267).

One of the gravest consequences of the gendered division of labor is that women's crucial contributions to the economy, in the form of reproductive and caring tasks, are unaccounted for - invisible - in the global economy (Tickner, 2014, p. 268). This is mainly because tasks like cooking, cleaning, laundry, child birth and care tend to be non-monetarized, and the added value of women's work therefore is harder to calculate and assess. Against this background, the CEDAW Committee, in their Recommendation No. 21 states that women's domestic work should be put on an equal footing with productive work to make women's contribution to the economy more visible: "*Financial and non-financial contributions should be accorded the same weight*" (UN Committee on the Elimination of Discrimination Against Women, 1994, No. 32, Hellum, Kameri-Mbote, & van Koppen, 2015, p. 46).

The gendered division of labor also affects women's work in agriculture. This because women often work with subsistence farming, producing for the needs of the household in small family groups, while men tend to undertake the cash crop production. Thus, while women are left behind in the subsistence sector, men gain access to money, new skills and technology (Tickner, 2014, p. 267). In this manner, the gendered labor division represents status quo or even exacerbates existing gender divisions – to the detriment of women.

There are several ways to interpret the gendered division of labor. From a feminist/human rights point of view, it is suspicious, even negative, since it entails an asymmetric distribution of power in the form of work responsibilities and access to resources detrimental to women, as indicated. An interesting view point, however, from a social relations analysis perspective is to understand gendered division of labor as a form of "social connection", as it is crucial for the women and men to engage in relationships of exchange and cooperation in their work (K. Young, 1993, Kabeer, 1992, Whitehead, n.d., in Razavi & Miller, 1995, p. 29). This view emphasizes that women and men, although performing different, gender-segregated tasks, together are making a common cause, working as a team in and with the community, rather than stressing the aspect of sexual separation. It is important to note, though, that this interdependence still is asymmetrical and involves conflict as well as cooperation (Kabeer, 1992, in Razavi & Miller, 1995, p. 29). Another aspect worth noting is that the social relations interpretation of gender is less economic in its conceptualization of gender and more action-

oriented. In other words, it is less concerned with access to resources (and the eventual goal of reallocation of resources such as water) and more concerned with the *empowerment* of women (Razavi & Miller, 1995, p. 14). The empowerment aspect is an important part of the research and will be discussed further down.

The gendered division of labor and its impact on the global economy, rendering a narrative of gendered boundaries of economic inequality, is undisputed (Tickner, 2014, p. 268). Through the research of feminist scholars, women's role and importance in the global political economy has been brought into the mainstream of the relevant discourse. Hence, there is a general understanding and knowledge of how women's work significantly shapes and contributes to the national and global economy, productivity and development, both through their paid and unpaid work.

4.3 Agency

4.3.1 Definition of agency

The concept of agency is much discussed in development discourse and numerous interpretations and definitions of the concept exist. Anthony Giddens defines agency as the capability of making things happen, with the implication of exercising power:

“Agency concerns events of which an individual is the perpetrator, in the sense that the individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual had not intervened.”
(Giddens, 1984, p. 9)

In other words, agency implies that the individual has the power to act and intervene, or refrain from intervening, and thereby influence the outcome of any given situation, to deploy various causal powers, in order to “make a difference” (Giddens, 1984, p. 14).

Moreover, agents are *knowledgeable* in the sense that they have the capacity to understand what they do, and why they do it, i. e. a reflexive capacity. This reflexivity - the habitual, cognitive monitoring of actions – should be interpreted not only as consciousness about the agent's own self, but also as the “monitored character of the ongoing flow of social life”. This reflexive monitoring naturally relies upon a process of rationalization. Knowledgeability operates only partly on a discursive level, so the knowledgeability of agents is both tacit and expressed. In the words of Giddens, subjects' knowledgeability as agents is generally carried out in “practical consciousness”, in a continuous flow of conduct or “*durée*”, and it is the reflexivity that is involved in the “recursive ordering of social practice”. This implies that

agents act purposefully to create meaning and structure in their lives, reiterating the actions and behavior that make sense, and refrain from actions and behavior that do not. Agents not only perform this habitual monitoring themselves, they expect others to do so as well (1984, pp. 3-9). However, the agents in this practical consciousness in their daily lives may not be aware of the “ramified consequences” of the activities they engage in. Naturally, this has to do with human knowledgeability always being bounded (Giddens, 1984, pp. 26-27). Hence, agents may not always understand the implications of their actions – but they may *think* that they do so.

In other words, agents carry out their daily activities – habitually but largely rationally, with a (tacit) trusting in that what they do, their actions, motives, manners, methods, and strategies, make sense. As purposeful agents, they act while constantly evaluating and if need be, modifying their actions, without necessarily anticipating the expected outcome of their actions. Meanwhile, they observe others, expecting them to constantly assess *their* actions as well, and while they themselves also are being observed and evaluated. All this takes place in the context of the daily lives, their *durée*, shared with other people in the community.

The understanding of agents purposefully carrying out their daily activities, monitoring themselves and others while being monitored themselves, and modifying their actions if necessary for achievement purposes, turned out to be helpful when systematizing and analyzing the actions and agency of the rural women in the case study. I will return to this aspect in the chapter on methodology.

4.3.2 Opportunity for agency

However, agency does not operate in a vacuum, but always in a social context and structure that provides opportunities and places constraints (Elder, Johnson and Crosnoe, 2003, in Kristiansen, 2014, p. 3). According to Kristiansen, it is useful to capture the concepts of opportunity and constraints in the expression “*opportunity for agency*” (2014, p. 3). Agency may be viewed as shaped by institutional factors and made possible by a varying degree of coupling between the different institutions – laws, customary norms, traditions and so on - with which the agent is engaged. The loose coupling is possible when there is “contradictory institutional logics [...] that ‘stipulate “different kinds of behavior,” and “the institutionalized means and goals are decoupled or disconnected,” or a combination of the two (Kristiansen, 2014, p. 4) In the vernacular, the above implies that under pluralism, there is likely greater freedom for action, due to the lack of oppressive traditions and norms. Thus, the

more loose the coupling, the greater the opportunity for agency. Conversely, the tighter the coupling between the various institutions the agent is engaged in, the smaller becomes the opportunity for agency.

In a society like Afghanistan, social constraints in the form of the workings of a strong patriarchic culture exist. These constraints, along with poverty, insufficient development, illiteracy³, a varying degree of structural and personal insecurity due to the ongoing insurgency and unrest, create the assumption that rural women likely will experience less opportunity for agency, meaning a high degree of structural and personal constraints in their attempts to negotiate the legal plurality of water governance and hence their access to water. Thus, the social space for agency available to them will likely be significantly smaller than in a society with a higher measure of gender equality. The assumption is also that the women's measure of agency will vary according to factors like age, disability, and socio-economic status, according to the intersectionality principle discussed above.

4.3.3 Agency as a variable

As indicated above, agency can be viewed as an “empirically measurable concept that individuals vary in”. Most importantly, this view also encompasses the agent's *perceptions and beliefs* about her or his ability to influence and exercise power, and will naturally vary according to each individual agent. The dimension of perceptions and beliefs is significant because they are an important *prerequisite* for actually initiating the actions meant to influence behaviour (Kristiansen, 2014, p. 10). The individual agent's perceptions and beliefs about one's own capabilities, in the vernacular usually labelled ‘self-confidence’, should, in theory, make a difference when it comes to deploying various powers to influence the outcome of any given situation. However, the opportunity for agency may interplay with the agent's perceptions and beliefs, or self-confidence, in a manner so that they may actually equalize each other: the agent may feel a confident urge to improve her or his situation in various ways, but if there is little opportunity for agency, there is very little she can do, in reality.

The concepts of agency and opportunity for agency proved most helpful when assessing the women's situation in the Ashtarlai case study, and will be discussed further down.

³ In Afghanistan, only 25 percent of the total female population are literate; in the rural areas even fewer (CIA, 2015).

4.3.4 Operationalizing agency

In this thesis, agency will be interpreted in a manner in accordance with Giddens definition ('the ability to influence the outcome of any given situation') but also including Kristensen's dimension of the agent's perceptions and beliefs in her own ability to influence her own life. Hence, the final definition of agency used in this thesis will be *the ability to influence the outcome of any given situation, including the subject's perceptions of and beliefs in the same*. Moreover, the operationalizing of agency in this thesis specifically entails the measure of *ability to negotiate the legal plurality of water governance in Afghanistan*. Moreover, the operationalizing is based on that the rural women interviewed have practical and strategic water needs that must be met, that they need for to be met. Moreover, agency is related to the measure of the subjects' ability to hold water managers, service providers and hold policymakers accountable.

CHAPTER FIVE

5 The Afghanistan context

Afghanistan is a large and ethnically diverse country whose development through the last four decades has been stifled by conflict. I will explain the most relevant aspects of Afghan society: the government and its commitment to its citizens, the rural economy, and Afghan patriarchy.

5.1 Government and governance

In Afghanistan, weak or non-existent central governance institutions have been the rule since the 1979 Soviet invasion, and inherent suspicion and hostility towards a central government is prevalent, especially in the rural areas. There are historical reasons for this sentiment among the population: Kabul has long before the establishment of modern Afghanistan in 1747⁴ traditionally been the residence of ruling elites of various descent disconnected from the people, and central rule often alienated the population in numerous ways. In the remote rural areas, Islamic values, family groups, villages, clans, and tribes have throughout the ages formed the basis of the people's identity and governance through a web of support and solidarity on one hand and obligations on the other in solidarity groups, *quams*,

⁴ Most historians, according to Thomas Barfield, mark the starting point for a modern Afghanistan in 1747 with the end of Mughal, Turkish or Persian and other foreign rule, and Ahmad Shah's establishment of the first Durrani Pashtun empire (2010, p. 97).

and institutions such as *ashar*, collective work for the well-being and prosperity of the community (Barfield, 2010, Dupree, 1997). Throughout the ages, rather than providing welfare, the central government has often been associated with anger, demands, and fear, particularly regarding three areas: conscription, taxation and state or elite violence. Moreover, the weakest links in what Thomas Barfield metaphorically labels a “rusty chain” has been between the official institutions at sub-provincial level and the local populations within their jurisdiction. Corrupt governors and officials have often taken a predatory approach towards the local population, rather than representing their interests towards the central government. This dysfunctional relationship has come on top of differences in social class, education, and degree of urbanization (Ghiassy, Zhou, & Hallgren, 2015, Barfield, 2010, pp. 223-225).

In the Bonn Agreement of December 2001, the international community committed to assist Afghanistan in the rehabilitation and state-building of the ethnically divided and war-ravaged state. Acknowledging the deep patriarchic culture and practice, constituting several barriers to the equal participation of Afghan women, this group in particular was promised education, security and equality. To be able to bypass virtually non-existent central government institutions and address the wide-spread poverty, the National Solidarity Program (NSP) was conceived by former World Bank economist, then Minister of Finance, Dr. Mohammad Ashraf Ghani, and instituted by then President Karzai with the assistance of the World Bank (WB) and the International Development Assistance (IDA) (Warner, 2013).

The purpose of the NSP was twofold, namely combining governance building with economic progress in a community-directed development program, with a special focus on the rural, underserviced parts of the population. The idea was to empower local Afghans collectively through village-level decision-making in voluntary, democratically elected institutions, and in accordance with Afghan traditions. These Community Development Councils (CDCs) would engage in selecting, planning and managing small donor-financed NSP projects –for instance dynamos, water pumps, and schools - that would develop their local economies and improve their access to social and productive infrastructures and services. Promoting women participation is also an essential component (MRRD, n.d., Warner, 2013). In this way, rural people would gain ownership to their projects in an accountable and transparent manner, develop their communities and in cooperation with the MRRD, NGOs and other partners effectively learn and exercise good governance at the local level.

Secondly, through engaging the local population directly through the village CDCs, one would be able to bypass the problem of weak, nascent or non-existent state governance institutions in post-Taliban Afghan society (Warner, 2013). As of June 2015, over 34,000 CDCs has been established in all 34 provinces under the NSP, representing over 18 million rural community members. According to the World Bank, the CDCs are proving to be “an effective mechanism nationwide for ensuring equitable development” (2015). NSP has continued under the current National Unity Government (NUG), headed by the same Mohammad Ashraf Ghani, but was in September 2016 replaced by the more ambitious, inter-ministerial and multi-sectorial Citizen Charter National Priority Program, CCNPP (The World Bank, 2017).

Both the international community, the Karzai government and especially the present NUG have been concerned with the dynamics of violence and conflict on one hand, and poverty and poor economic and social development in the rural areas on the other. These dynamics feed into each other, creating a vicious circle where poverty and desperation drive some marginalized and disillusioned youth under the reins of anti-government elements, which in turn creates increased insecurity and violence and hinders development. The establishing of the NSP and its follow-up, the CCNPP, has been one of the attempts of breaking this circle.

However, this is easier said than done. After the post-Taliban international intervention in 2001/2002, government misconduct, abuses of power, corruption and suppression of critical voices were rife both under the interim government (2001-2004) as well as the elected government (2004-2014), both headed by Hamid Karzai. The dissatisfaction among especially the rural population over a lack of development and increasing insecurity has been growing, in spite of the military presence of USA and NATO/ISAF and massive amounts of foreign aid (Barfield, 2010, p. 318). These challenges remain under NUG: President Ghani (2014-) has made economic reforms, rule of law and the fight against corruption key policy areas, still; Afghanistan is one of the most corrupt states in the world, ranking 169 out of 176, according to Transparency International (2016). Development and progress is still slow, and the security situation is steadily worsening: More than 3,500 civilians died in insurgencies in 2016, the highest number since 2001 (Kumar, 2017). As of August 2017, the government controls only 56,7% of the country’s 407 districts, still another thirty percent of Afghanistan’s districts remain contested, and the situation is “deteriorating”, according to the Special Inspector General for Afghanistan Reconstruction, SIGAR (Roggio, 2017). Thus, the ability of the government to control its territory against internal take-over is not convincing, even with the

support of the Resolute Support Mission. This fall, US President Trump reversed his earlier isolationist policy on Afghanistan, and is sending 3,000 troops to the country in addition to the 11,000 troops already serving, in an effort to win the 16-year war (Ward, 2017). Not surprisingly, a 2017 Asia Foundation survey found that public confidence in every level of government has fallen in the last few years (Kumar, 2017). Hence, the challenges of building infrastructure and providing services to the population are formidable. Equally difficult is the process of transforming the patriarchic views and norms that present obstacles for the empowerment and equal participation of women in society.

In the light of the above, it would seem large development accomplishments have been few, since the Afghanistan state-building efforts commenced for real in 2002. However, there are several encouraging developments: for instance, the rural population's access to water from an improved source has been rising steadily, from near 26% in 2001 to roughly 47% in 2015, according to WHO/Unicef (2017). During the same period the Afghan population increased from near 21 million to almost 36 million (Worldometers, 2017). The near doubling of the rural population's access to an improved water source, while facing a population growth this size in an insecure environment and over such a short time span may be viewed as an impressive achievement by most standards.

5.2 The rural economy

Afghanistan is, in the words of anthropologist Thomas Barfield, and despite recent increasing urbanization, still “a land of small villages” (2010, p. 32). 32 percent of all working women and 68 percent of all working males are engaged in the agricultural economy. As indicated, near 80 percent of the population live in the rural areas, and subsistence farming – agriculture primarily meant for the families' own consumption - is the dominant livelihood strategy in these areas (UNAMA, 2016, p. 3). Moreover, about 70% of the population are involved in on-farm activities. In the rural areas, the agricultural sector also holds the largest economic potential regarding job creation and poverty alleviation, for instance value-adding of agricultural produce – food processing - according to the World Bank. Moreover, in 2013/14, about 80% of the women employed in the rural economy worked as unpaid workers, participating in the economic activities – agriculture and animal husbandry - of their households (Leao, Kar, & Ahmed, 2017). Making up roughly half the potential work force, women represent substantial untapped human capital resources in the country, as attested by the Stockholm International Peace Research Institute: As the informal portion of the economy

in 2015 accounts for 80-90 % of the total⁵, the lack of suitable, formal economic institutions in the private sector tends to marginalize women. Promoting and prioritizing women's full and equal participation in the agricultural economy is seen as a key element in the nation's economic development and should be addressed as a mainstream issue (Ghiasy, Zhou, & Hallgren, 2015).

In other words, although marginalized, rural women have the potential to improve the lives of themselves, their families, their communities and the national economy - not least as a tax base, adding fiscal revenue - if given opportunities in the agri-economy equal to that of men. In this context, water is an essential ingredient – for domestic consumption, animal husbandry, agriculture and horticulture, and agriculture-based processing industry.

5.3 Patriarchy and the status of women

Afghanistan is a patriarchal society, defined as a society dominated by male perspectives, concerns and priorities. Patriarchal attitudes and structures remain strong and affect the Afghan gender relations in a way detrimental to women's needs. On paper, women have rights equal to men, as expressed in the Constitution discussed below. In practice, the situation is very different: Women encounter many difficulties in the form of male bigotry, prejudice, legal discrimination, and violence, which keep them from exercising their rights on equal terms with men. In its 2013 report on the situation of women in Afghanistan, the CEDAW committee is concerned about the state's ability to promote and protect women and their interests and needs, due to what the Committee saw as "deep rooted patriarchal attitudes in the State party" (UN Committee on the Elimination of Discrimination Against Women, 2013, p. 2). Although ratifying CEDAW without reservations in 2003, the Afghan government is in many ways failing to live up to its commitments, according to Human Rights Watch. The organization moreover points at a real risk of the situation backsliding, in the event of international support and interest diminishing (Barr, 2013). President Ghani and the present National Unity Government is reformist and genuinely concerned with women's rights, but this may of course change in the future.

According to Dr. Elaheh Rostami-Povey, the roots of patriarchal oppression are ancient and date back to pre-Islamic times. Hence, male domination and female subordination run deep in the Afghan society. But many Afghan women question male authority and struggle to

⁵ These 80-90% also comprise the large, but illicit economy, such as poppy cultivation, smuggling, etc. (Ghiasy, Zhou, & Hallgren, 2015, p. x)

change the patriarchal gender order which traditionally recognize “only men as breadwinners, heads of households and decisionmakers” (2007, p. 8) (the same is of course true about many Afghan men). However, rural women’s positions and agency vary with marital and socio-economic status, ethnicity, region and other factors: in the most conservative areas women often are regarded as little more than livestock (Dupree, 1997, p. 125). The women in the Ashtarlai case study also engage in gender issue discussions among themselves, with their husbands, and in the community – as we will see.

The water issue is intricate: the main question is whether water is available, accessible, affordable and safe. As the building of modern water-governance institutions and infrastructure in Afghanistan is a slow process encountering economic as well as security and other constraints, 47% of the rural population still rely on so-called “un-improved”, or unsafe, drinking water sources (Personal communication with Mr. Ghulam Qader). However, water governance involves not only actors like government, district and local officials and bureaucrats. Water is also regulated through local institutions, customary law, norms and tradition, involving community practices and local water masters, *mirabs* (Wegerich, 2010, p. 298).

Rural women’s positions and agency vary with marital and socio-economic status, ethnicity, region and other factors: in the most conservative areas women often are regarded as little more than livestock (Dupree, 1997, p. 125). Like the legal plurality in water governance, there is more than one legal system regulating women’s rights and opportunities: The Constitution, statutory laws, the Muslim legal system Sharia, and customary/tribal laws and norms. Not only are these overlapping, they may also intersect and contradict each other (Jones-Pauly & Nojumi, 2004, p. 826). Particularly in the rural areas, there is a traditional gendered division of labor, in that men and women are prescribed different tasks according to their sex. In this gendered society, women’s social and legal space tends to be arbitrary and unpredictable.

The government’s official policy is that gender equality is a cross-cutting issue, and according to the National Action Plan for Women in Afghanistan, the goal is to “eliminate discrimination against women, develop their human capital, and promote their leadership in order to guarantee their full and equal participation in all aspects of life” (Islamic Republic of Afghanistan, 2007-2017, p. 5). Conclusively, although women’s position in many areas is slowly improving, there is a disconnect between their legal rights and entitlements on one hand, and agency and social space on the other.

5.4 Climate, precipitation and water

The terrain in Afghanistan varies between rather flat plains and rugged mountains, some of which are covered by permanent snow and glaciers at altitudes up to 5,000 m and above. The overall climate is continental, with hot summers and cold winters, with temperatures between 45 and -20 Centigrade. In the mountains the winters are severe, with snow storms and frigid temperatures. The annual precipitation in Afghanistan as a whole is only 327 mm (The World Bank, 2014, Mahmoodi, 2008, CAWaterinfo, n.d.). However, this average is deceptive, as precipitation depend on season, altitude and terrain. Apart from certain eastern and northern provinces which receive more than average rainfall which enables rainfed agriculture, the country is arid or semi-arid, receiving little or no rain during the summer months. The precipitation during the winter and spring months in the mountain ranges, i.e. the Pamir and Hindu Kush mountains, varies annually and with location and altitude (The World Bank, 2014, CAWater info, n.d.). All surface water as well as the aquifers in these areas are fed by the winter precipitation in the form of snow. As the snow pack varies considerably, so does the runoff and hence the water available to the people living in the lower altitudes: in the years with lower than average snowfall, water scarcity during the following summer in these areas is palpable, with the water flow in creeks and smaller rivers diminishing and even disappearing completely. Thus, water supply for domestic and irrigation purposes is a function of the combined rainfall, surface and groundwater resources, which again depend on the amount and distribution of precipitation (CAWaterinfo, n.d.). In the vernacular, the water available for the rural population depends on how much snow and rain coming down when, and where.

Rivers and springs are so important for the rural population's water needs precisely due to the lack of water infrastructure: By 2015, only 5.22 percent of the rural population had piped water on premises, indicated as *safely managed* on the JMP ladder. Moreover, while more than 78 percent of the urban population are served with improved water, only 53 percent of the rural population enjoy the same. These numbers entail that, although the situation is improving, roughly 47 percent of rural Afghans still rely on unimproved water sources (personal communication with Mr. Ghulam Qader, 12 August 2017). Of these, an unknown percentage rely on surface water, which constitutes *no service* according to the JMP benchmarks.

Even though the country annually uses only one-third of the potential 75,000 million cubic meters of freshwater available, inefficient use and wastage due to a lack of monitoring

and management exacerbate water scarcity (aquanow.info, 2013). As a result, the water table in many parts of the country is declining, resulting in unreliable water supply in wells and springs. Moreover, the aquifers, wells and surface water risk contamination, in particular by animal and human feces. High bacterial levels entail waterborne diseases like diarrhea, which are common in many areas in Afghanistan. According to *The Water Resource Management, 1387-1391 (2007/08 – 2012/13)*, estimates suggest that 4 out of 5 Afghans in the rural areas rely on unsafe drinking water, and untreated wastewater contaminating drinking water sources along with problematic hygiene conditions is an increasing problem, particularly in the least developed rural settlements and among the poor (Islamic Republic of Afghanistan, 2007, pp. 22, 29).

The lack of water regulation structures exacerbates the pattern of water unreliability and insecurity. Reservoirs and dams catching and regulating the water flow are few or non-existent. Basically, floods are created by heavy and intense rainfall, or snow meltwater, or the combination of the two (Hagen & Teufert, n.d.). Since all the free-running rivers and their tributaries are fed from the same source – the spring melt runoff in the mountains - flooding during spring is very common, but heavy rains may occur any time of the year. Over four days in February 2017, several districts in Daikundi and 21 other provinces were adversely affected by avalanches, landslides and floods, with many casualties and severe damage to homes and livelihoods reported (reliefweb, 2017).

The floods are sometimes violent due to the steep terrain, regularly destroying infrastructure and property, and drowning livestock and people. The absence of reservoirs and dams containing the water is at the heart of the water unreliability as experienced by the rural population in these areas: too much water all at once during spring, and too little during the summer. In the words of anthropologist Louis Dupree, the problem in Afghanistan is not insufficient water, but a *lack of control* of the same (1997, p. 31, my emphasis). The widespread contamination of the water available adds to the already detrimental situation of water insecurity.

Afghan flash floods are powerful enough to sweep entire houses and bridges away, making their impact severe and costly. An assessment of past flood events highlights that flash floods are the primary cause of loss of life due to inundation in Afghanistan.



Figure 1: Average annual precipitation in Afghanistan. The dark blue areas receive the highest amount of rainfall, the light blue areas receive the least. Daikundi province⁶, in the central part, receives between 100-500 mm (World Trade Press, n.d.).

Recurrent regional droughts and summers with no rain entails water insecurity and unreliability. Hence, agriculture as the dominant livelihood strategy in the arid and semi-arid areas “is not possible without irrigation” (UNAMA, 2016, p. 4). The seasonal runoff from the central mountains supply all the water for consumption and irrigation during the dry summers in the areas where agriculture is feasible, i.e. the river valleys and plains. In these areas, traditional irrigation channels - constructed, maintained and operated through collective community efforts, so-called *hashr* - crisscross the landscape and river valleys. As the spring runoff stream from the rivers into the irrigation channels, the dry fields once again become fertile soil on which the farmers seed and plant (Ooska News, 2013; Cambell, 2015; UNAMA, 2016). But as demonstrated, the abundance of water available does not last long. During the summer, procuring water becomes increasingly difficult, not only for the farmers, but also for the rural women who are responsible for the households’ water needs. The challenges and risks associated with the decrease or absence of water come on top of other hardships related to using unimproved water sources for domestic purposes, like water-borne

⁶ According to Afghanistan expert Karim Merchant, the Uruzgan province was split into the Daikundi province to the north, and Uruzgan, to the south, in 2004. This division is unfortunately not present on the map.

diseases. I will return to the issue of domestic water procurement in the analysis of the Ashtarlai case study.

The detrimental water situation in Afghanistan has long been recognized by the NUG as well as by the international community. UNEP states that Afghanistan's water system's is under stress⁷ due to water scarcity, mismanagement and damaged water systems, in particular due to the wars: Prior to the Soviet invasion in 1979, the total irrigated area in the country was about 3.2 million hectares (ha), but in 2007 it had been reduced to 1.8 million ha, a significant reduction that is slowly being rebuilt (ARTF, 2017). However, the civil wars and the Taliban regime destroyed not only the traditional irrigation systems, but also the country's national institutional and technical capacity, water and communications infrastructure, and equipment necessary to investigate, assess and monitor the country's water resources. However, after the Bonn Agreement in 2001, and with the help of international and foreign actors the Afghanistan government has been able to slowly rebuild capacity regarding geological and hydrological expertise, water governance and management, and technical and infrastructure capacities (aquanow.info, 2013; Cambell, 2015; UNAMA, 2016).

President Ghani is very concerned about the water, flooding and irrigation situation, as he realizes water's crucial role in the agro-economy, and by extension, Afghanistan's social, economic, and political stability. Hence, NUG has made irrigation and the bridling of Afghanistan waters an urgent priority. According to Pajhwok Afghan News, NUG has formulated a five-year plan aimed at controlling the water flow and providing water for irrigation and electricity production. At its core is the building of 21 smaller and medium-sized dams around the country, funded by the World Bank, private investors as well as the government's own financial sources (2017). A USD 118.4 million small-scale irrigation project is also under way, aiming to increase the irrigated areas by 15%, and construct several multi-purpose small dams around the country (ARTF, 2017).

5.5 Legal pluralism

The notion of legal pluralism is in this connection defined as "the parallel existence of ancient and modern legal sources" (Hooker, 1975, in Meininghaus, 2007, p. 2). In Afghanistan, several institutions relevant to the right to water, participation and non-discrimination exist side by side: apart from international law, the Constitution, the 2009

⁷ According to UNEP, Afghanistan as well as neighboring countries is also severely affected by the effects of climate change. In addition, a galloping population growth will increase water demands even further. These aspects, however, fall outside the scope of this thesis.

Water Law, and non-state law, i.e. Islamic law and customary law, regulate these rights. According to Ester Meininghaus, there seems to be no established hierarchy of legal forms; rather, they contradict and complement each other in a seemingly hap-hazard fashion (2007, p. 2). I will go through these legal sources in due course.

5.5.1 The Constitution and the Water Law

The Afghanistan Constitution of 2004 obliges the state to protect human rights and honor the UN Charter as well as its international treaties, and prohibits all forms of discrimination (The Islamic Republic of Afghanistan, 2004, art. 7). Furthermore,

“The citizens of Afghanistan, man and woman, have equal rights and duties before the law”. (The Islamic Republic of Afghanistan, 2004, art. 22) (The Islamic Republic of Afghanistan, 2004).

Water supply is of course not mentioned in the Constitution, however; it states that subterranean resources - such as aquifers - shall be the property of the state, and the governance be regulated by law. Also, the Constitution imposes the state to implement programs to improve economic, social and living conditions in the rural areas, “within its financial means” (The Islamic Republic of Afghanistan, 2004, art. 9, 14).

The 2009 Water Law’s preamble aims to enforce the constitutional principles of article 9, above, for the

“conservation, equitable distribution, and the efficient and sustainable use of water resources, strengthen the national economy and secure the rights of the water users, in accordance with the principles of Islamic jurisprudence” (Ministry of Justice, 2009).

Article two and seven state that all water use is free, as it belongs to the public, but that service providers may charge for supplying, storage, maintenance and the like. Article six states that water for drinking and livelihood purpose shall have priority. The law furthermore draws up a government-controlled complex regulatory regime with local water user participation in river basin and sub-basin councils. It also puts the Ministry of Energy and Water in charge, although in collaboration with 11 other ministries, such as the Ministry of Agriculture, Irrigation and Livestock (MAIL), the Ministry of Rural Rehabilitation and

Development (MRRD) and the Ministry of Public Health (MPH) (Ministry of Justice, 2009). The provision of drinking water and sewage in the rural villages by government agencies and NGOs is the responsibility of the MRRD. Thus, it seems both the Constitution and the Water Law formally comply with the human rights to equal rights to water and participation.

However, critics point at a lack of implementation and enforcement in the law, the ignoring of customary law, confusing and non-defined uses of terms such as “permits” and “licenses”, as well as unclear demarcations between the various ministries and weaknesses concerning accountability (UNAMA, 2016; Wegerich, 2010; Ministry of Justice, 2009).

An aspect of the cost recovery principle in the Water Law is especially problematic: Article Twenty-Eight (1) allows for service providers to *suspend use* if the water user has failed to pay the water fee (Ministry of Justice, 2009). At the 36th Session of the Human Rights Council in Geneva 11. September 2017, Special Rapporteur on the human rights to safe drinking water and sanitation, Leo Heller, made it clear that

“States should prohibit disconnections due to inability to pay in law and in regulatory frameworks, as this is a retrogressive measure and violates the human rights to water” (OHCHR).

Rather, states must ensure that

“[r]egulatory actors must take positive measures to ensure the progressive realization of the human rights to water and sanitation in a non-discriminatory manner. Such measures should target specific challenges including: the prioritization of service coverage to poorer neighborhoods [...] and rural areas; the lack of affordability of services for the poorest” (OHCHR).

One may argue that the Water Law not only disagrees with itself, since the Article Twenty-Eight (1) seemingly disconnects with the principle of equitable distribution in the law’s preamble. But in the light of the Special Rapporteur’s comments, termination of service as a reaction to non-payment due to poverty and a lack of funds is to be interpreted as a human rights violation of the right to non-discriminatory and affordable access to water. Hence, an interpretation is that the Water Law also ignores Afghanistan’s obligations to secure equitable access to clean and affordable water as a basic human right. When pursuing a

human rights-approach to water, there are alternatives to termination of service when addressing the problem of non-payment, but these fall outside the scope of this thesis.

5.5.2 Non-state law: Islamic and customary law

The Water Law emphasizes accordance with the “principles of Islamic jurisprudence and the praiseworthy customs and traditions of the people” (Ministry of Justice, 2009, p. 1). According to United Nations Assistance Mission to Afghanistan, UNAMA, the Qur’an recognizes the fundamental importance of water for “every living thing” (*sura* 21:30, in UNAMA, 2016, p 12). Moreover, Islamic law recognizes water as a community right and fundamental for all life, and therefore allows free use as long as it does not infringe on other third parties or damage the community. Also, private ownership of water as well as pollution is generally forbidden (UNAMA, 2016, p. 12). Thus, it seems that Islamic law as practiced in Afghanistan is in accordance with both the Constitution and the Water Law.

Customary law, on the other hand, is the sum of century-old non-written norms and practices regulating peoples’ lives, even from pre-Islamic times. It is, according to Ester Meininghaus, the legal form most commonly applied in contemporary Afghanistan, regulating various kinds of Afghan societal practice, even water use (2007, p. 16). Popular interpretations of Islam intermingle with customary law into a form of customized Islamic law, or Islamized customary law. As such, Islamic law and customary law are in many ways and in the context of this paper inseparable and indivisible. Furthermore, the dominance of lived customary law is related to the recent decade-long instability and absence of state legal institutions in the country. Therefore, non-state law has thus represented the only constant of ‘order’ in Afghan social life; and the people themselves may be viewed as the keepers of the customary knowledge regulating their behavior (Meininghaus 2007, p. 16, Jones-Pauly & Nojumi, 2004, p. 28-29). As the lines between Islamic law and customary law are blurred, and since the respondents themselves did not voice Islamic law as relevant in the context, I will hereafter for the sake of convenience refer to the Islamized customary law as customary law.

It is important to bear in mind that customary law is not homogenous. Afghan customs and traditions are not easily defined, and vary from region-to-region, even village-to-village (UNAMA, 2016, p. 13). Hence, no single set of customary law or norms related to water rights, participation and non-discrimination exists. Significant also is that Afghan customary law may deviate from human rights standards and thus run the risk of discriminating against

certain social groups, like women (Meininghaus, 2007, p. 16). For instance, patriarchy itself is grounded in customary law. Therefore, the reliance on customary law for solving issues of norms and disputes over water is risky indeed, and should be avoided.

5.6 Government policy on water

5.6.1 The Water Resource Management, 1387-1391 (2007/08 – 2012/13).

The water law calls for the government to develop a national water policy and strategy, in accordance with the law. Hence, the Ministry of Energy and Water together with the MRRD and six other sector ministries have instituted a comprehensive strategy document, *the Water Resource Management, 1387-1391 (2007/08 – 2012/13)*. Grounding the water strategy in human rights principles, IWRM, the MDGs and the national Water Law draft (the Water Law was passed in 2009), the document renders the current water situation and context and specifies an overall strategic vision for the water sector in Afghanistan, including institution-building:

“To manage the Nation’s water resources so as to reduce poverty, increase sustainable economic and social development, and improve the quality of life for all Afghans and to ensure an adequate supply of water for future generations” (Islamic Republic of Afghanistan, 2007, p. 18)

“Better access to safe drinking water” tops the list of seven goals for water provision. This target is later specified as essential in reducing infant mortality due to waterborne diseases. Other goals are *“protection from the negative effects of droughts and floods and support to poverty reduction and private sector development”* (Islamic Republic of Afghanistan, 2007, p. 18). “End-user” participation including women’s contributions are key factors for the success of the strategy, and a reliable rural water supply viewed as important especially for women, who are said to be disproportionately affected by water scarcity as main managers of household water use. The document recognizes this aspect as one often neglected, and calls for explicit policies and mechanisms to target women’s needs, as well as gender mainstreaming (Islamic Republic of Afghanistan, 2007). The overall strategy is to adopt a “parallel and progressive approach” to IWRM while simultaneously responding to the *“immediate needs of the people by rehabilitating and improving drinking water supply and water resources infrastructures”* (Islamic Republic of Afghanistan, 2007, p. 28, my emphasis).

Moreover, States, IOs like the World Bank and Unicef, as well as NGOs are listed as key donors and partners. Finally, *the Water Resource Management, 1387-1391 (2007/08 – 2012/13)* contains an extensive list of 235 diverse water infrastructure projects such as dams, reservoirs, wells, and pipe systems in the various provinces, as well as an IRWM action plan which includes policies, short, intermediate and long-term objectives and timeframes, and responsible agencies. The strategy anticipates the construction of gravity/motorized pipe schemes to provide safe drinking water “at the gate of each household in rural areas” and full cost recovery of water services from the users, in accordance with IWRM (Islamic Republic of Afghanistan, 2007, pp. 31-32). Although all the listed 235 projects are estimated to start in 1387 (i.e. 2007/08), and no completion estimates are given, the strategy still gives a thorough and professional impression of purpose, scope and relevance. With its focus on poverty and women as stakeholders, as well as private sector development, the strategy if implemented suggests a great leap in the fulfilment of the equitable right to multiple uses water and participation in Afghanistan.

In addition, the document points to severe constraints to the water strategy’s implementation. The deteriorating security situation, inadequate or non-existent hydrological and other data, unclear delineation of responsibilities, as well as a general lack of resources are some of the challenges and constraints mentioned. Weak institutional and human capacities in all areas of water management are illustrated by one of the document’s conclusions: “*Present institutions in the water sector are fragmented, poorly coordinated or [poorly] organized*” (Islamic Republic of Afghanistan, 2007, p. 16).

5.6.2 The NSP and the CCNPP

As indicated, the MRRD is the ministry responsible for the provision of all rural water, particularly through the comprehensive National Solidarity Programme (NSP), initiated in 2003. NSP’s successor is the more comprehensive and ambitious Citizen Charter National Priority Program (CCNPP), which has a 2017-2027 timeframe. The Rural Water, Sanitation and Irrigation Programme (Ru-WatSIP) under the MRRD is responsible for the portion of the CCNPP objectives that concern water, participation and non-discrimination, among them the WASH program. The CDCs’ pivotal role in the implementation of the CCNPP, including WASH, is continued.

According to MRRD/Ru-WatSIP, water management and the provision of water services in the rural areas date back to 2003, as part of the early state-building efforts. In creating the Ru-WatSIP, the MRRD recognized the need for immediate humanitarian and

development action regarding the provision of safe water and sanitation services for the vulnerable populations in some provinces, including returning refugees and internally displaced persons (IDPs), who were directly affected by war and internal conflicts. The Ru-WatSIP also worked to mitigate the detrimental effects of floods and drought in some areas. It was later expanded with the aim of providing “safe potable water and sanitation facilities as a basic need for all rural inhabitants of the country rural areas in all the provinces” (2016a, pp. 10-11). Alongside the technical and infrastructural development, the MRRD has also been responsible for capacity development of civil servants so to improve quality of services and develop and improve coordination between the MRRD, international actors including INGOs, NGOs, and local governance institutions (MRRD, 2016a).

5.6.3 The Ru-WatSIP and WASH

In 2004, the MRRD developed a National Policy Framework for the rural water and sanitation sector, which was revised first in 2007, and in 2010 transformed into the present Water Supply, Sanitation and Hygiene (WASH) policy framework, nested within the Ru-WatSIP. The WASH 2010 policy was revised in 2016/2017. Currently, the WASH program is implemented by the MRRD/RuWatSIP – so-called National Execution – as well as by other ministries, international partners like Unicef, and INGOs/NGOs (MRRD, 2016a, p. 10).

The MRRD leads, coordinates and oversees the WASH program’s policy, design and implementation (MRRD, 2016a, 2016b). The stakeholders – partners, donors, sector ministries, I/NGOs - are all represented in the Water and Sanitation Group (WSG), which coordinate the work carried out in the WASH sector, among other through monthly meetings (MRRD/Ru-WatSIP, 2017, Personal communication with Ru-WatSIP Ex. Director Mr. Ghulam Qader, 12. August 2017).

Moreover, the Ru-WatSIP WASH Program are financed through a consortium of various sources: The World Bank, UNDP, Unicef, the multi-lateral Afghanistan Reconstruction Trust Fund (ARTF), The South Asian Association for Regional Cooperation (SAARC), bilateral aid such as DAACAR, and through the government’s own budget. However, 85% of the government budget for development rely on donor funding (Ru-WatSIP, n.d., MRRD, 2016b, p. 2). The Norwegian Church Alliance Afghanistan’s (NCA-Afg) implementation of the WASH program in Kakrag is fully funded by the Norwegian state and the Norwegian people. I will return to details about the NCA-Afg WASH program in Kakrag in chapter 7.

5.6.4 The WASH Implementation manual

The MRRD has developed a comprehensive WASH implementation manual, in which the WASH design, activities and responsibilities are described in detail. Among the guiding principles are that the CDCs are viewed as instrumental in the local management and ownership, as the sense of community ownership to the water and infrastructure is essential. The rural rehabilitation departments (P-RRDs) in the provinces are given the responsibility to select districts and villages according to set criteria,⁸ together with the Governor's Office. The P-RRD is also, at least in name, responsible for monitoring of and assisting the local WASH implementation. The manual admits to the P-RRDs' current insufficient training and capacity to perform these tasks to satisfaction, but anticipates that the P-RRDs "will be increasingly involved as capacity increases", even assume "contracting responsibility" (MRRD, 2013, p. xiii).

Regarding funding, the manual specifies a community contribution of at least 10% of the total WASH capital cost, either in "cash or kind", i.e. community labor, materials, etc. Importantly, "the community with the higher contribution will be given priority" (MRRD, 2013, p. 24).

In the absence of a CDC in the community, the manual recommends establishing a Water and Sanitation Users' Committee (WSUC). It also suggests community capacity building and training in areas such as leadership, management, hygiene education, bookkeeping, operation and maintenance. Women are subject to beneficiary participation: their role in water management is acknowledged and women's empowerment and participation encouraged and facilitated. One example is that women are given the primary role in the pipe selection process (MRRD, 2013). Moreover, the ministry anticipates local power structures and interests, and the risk of the water point becoming privatized or taken over. Therefore, the MMRD warns of locating the water point close to the compound of powerful members of the community, so that "access cannot be monopolized by anyone" (2013, p. 60).

Finally, apart from much technical details, the manual specifies the nature of the water provision: Service level is "basic", according to the JMP standards, i.e. drinking water from

⁸ The set criteria for District Selection for WASH are
Need: % of population without access to safe drinking water
Epidemic of water borne disease
Higher Rehabilitation Needs
No other WatSan project on significant size planned and in progress in the district (MRRD, 2013, p 21).

an improved source, with a collection time not exceeding 30 minutes roundtrip including waiting, as indicated. Moreover, the design are public tap stands meant for roughly 25 households, or 150 people per tap (MRRD, 2013, p. 88).

5.6.5 Status, visions and objectives

In the introduction to its 2010 WASH policy, the MRRD refers to Afghanistan as a country recovering from three decades of war and conflict, suffering from the impact of recurrent natural disasters such as droughts, as well as climate change, and hence one of the poorest countries in the world, with six million people living in extreme poverty. The ministry also views the political and security situation in Afghanistan as volatile and constantly evolving, and in need of a flexible, but ambitious policy and action plan on water. Moreover, it recognizes its responsibility in protecting the human rights and securing the livelihoods of a vulnerable, rural population, and the importance of safe water in addressing these challenges:

“Lack of access to safe water and sanitation intensifies poverty through illness, increased medical expenses, and loss of productivity and income, and there is also widespread under-nourishment and malnourishment among children” (Islamic Republic of Afghanistan, 2010, p. 1).

The government/MRRD’s vision and policy for WASH in Afghanistan is

“to create a country where everyone has access to safe drinking water, everyone uses sanitary latrines, and all the villages are open defecation free (ODF) and fully sanitised, with increased adoption of hygienic behavioral change in households, schools and communities [....]” (Islamic Republic of Afghanistan, 2010, p. 1).

In the 2010 WASH policy MRRD emphasizes the significance of the local CDCs for contracting, oversight, operation and maintenance of the WASH program and other basic services in the rural communities, as well as women’s equitable participation in these fora. (Islamic Republic of Afghanistan, p. 1). In other words, it is the government’s belief that the WASH program, with its focus on women’s participation in local decision-making, is the most cost-effective program for the provision of water and the improvement of the rural population’s health and economic well-being in the long run.

The Ru-WatSIP’s WASH objectives and guiding principles relevant for this thesis are

- *“to improve access of the rural populations to 25 litres [of potable water] per capita per day (LPCD), from 27% to 50% of that goal in 2014, and 70% to 100% of that goal in 2016 and 2020 respectively, and to improve the potable quality of drinking water based on World Health Organization (WHO) standards.*
- *The participation of people from all levels [are] crucial for achieving the targets of Ru-WatSIP.*
- *Ru-WatSIP places special emphasis on the female population” (Islamic Republic of Afghanistan, 2016).*

In other words, Ru-WatSIP has incorporated the right to (potable) water, as well as an equitable right to participation and a focus on the inclusion of women in its objectives and guiding and implementation principles.

The Citizen’s Charter (CCNPP) aims at providing a package of minimum service standards, including WASH, to all Afghanistan’s 32,000 rural communities, i.e. universal access to potable water and sanitation, over a period of ten years, with a deadline in 2027, i.e. seven years after the Ru-WatSIP’s WASH deadline in 2020. According to Mr. Qader, the Ru-WatSIP program has so far “done a great job in expanding the access to WASH⁹ in rural areas”, as they have increased the access to safe drinking water from 28% in 2003 to 53% in 2017 (Personal communication, 12. August 2017). In other words, a near doubling of access to water in 14 years.

⁹ The WASH results for sanitation and «open defecation free communities» (ODF) are not nearly as good as for water supply, and are at any rate not relevant for this thesis.

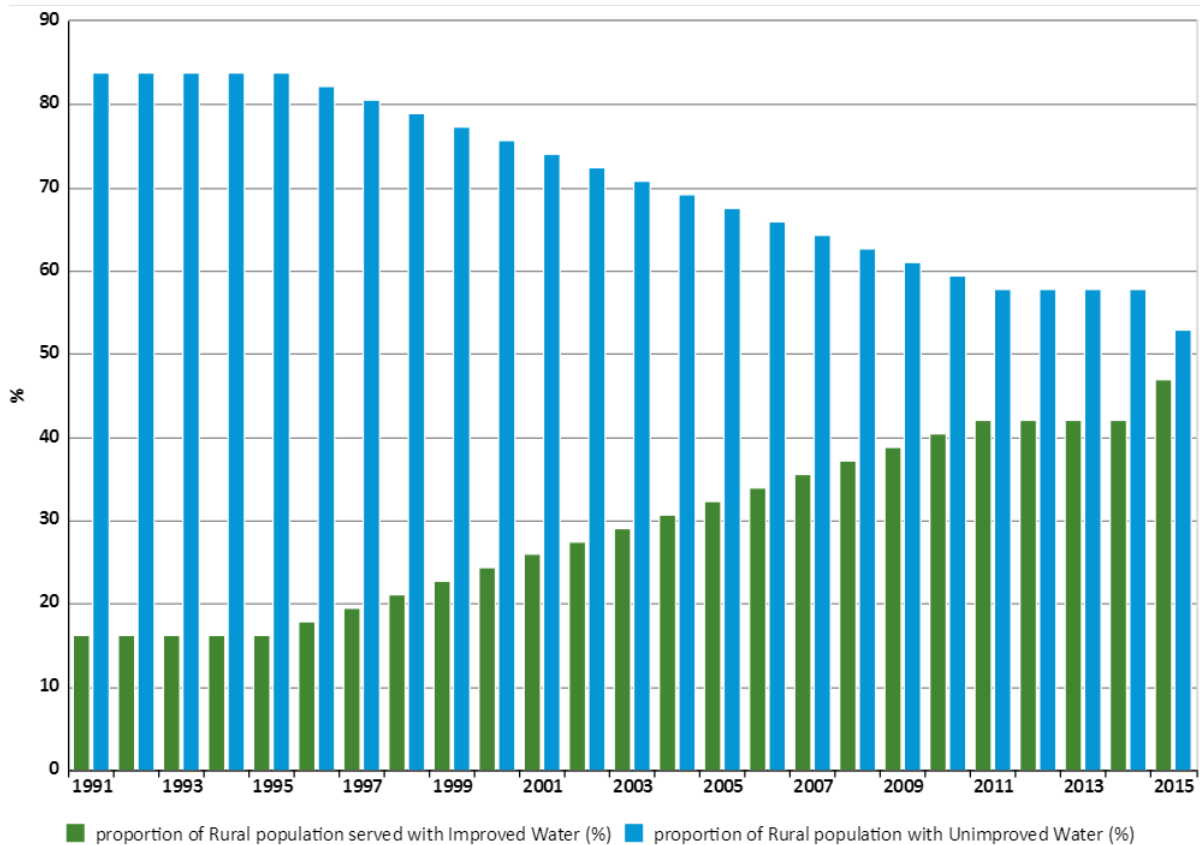


Figure 2: Improved water in the rural areas. Over the last 25 years, the proportion of the rural population using unimproved water has dropped, while access to safe drinking water has been steadily increasing. In 2014, rural access to safe water went up nearly 5%, to 47% in 2015 (WHO/Unicef, 2017).

The revised rural WASH Policy fuses with the ambitions of the SDGs target 6.1 (and 6.2), medium term: the aim in 2016 is

“to achieve universal access to basic drinking water supplies by 2026 by fulfilling the ambitions of the Citizen’s Charter National Priority Program” (MRRD, 2016b, p. 3).

The government provides (donor) funding, the technical input, design, and supervision, while the CDCs are responsible for contracting, oversight and operation and maintenance of basic infrastructure and water supply services. (MRRD, 2016b, p. 1, 2016a, p. 11). In this manner, the government has designed a form of division of labor that entails, according to Ru-WatSIP’s Mr. Qader, that the CDC and facilitating partners will be “in the driving seat”, and the MRRD and provincial governments will provide funding and act as guiding and coordination bodies (Personal communication, 12. August 2017).

Notably, the SDG targets 6.1 (and 6.2) expressed above covers both sanitation and basic water services, and the country as a whole and not just provinces and districts defined as rural. Moreover, the universal access to potable water deadlines for Ru-WatSIP, Citizen's Charter and SDG are the years 2020, 2026 and 2027, accordingly. Therefore, it is difficult to compare the time frames and objectives for the Ru-WatSIP WASH program and the SDG target 6.1 directly, as they are not complementary. Even so, one may sum up the WASH program's time frame and objectives in the following manner:

- The short-term objective of the Ru-WatSIP's WASH program under the CCNPP is to achieve universal access to drinking water *in the rural areas* by 2019/2020.
- The medium-term objective for the CCNPP/SDG target 6.1 and 6.2 is universal, affordable and equitable access to safe drinking water and sanitation by 2026/2027.

5.6.6 Assessment and progress

In 2010, the MRRD published the following assessment of the WASH program: Despite investments of more than USD 200 million, and the construction of roughly 100 000 water points since 2002,

*“around 16 million people in rural areas still live without access to safe water [...] 30% to 50% of water points in different parts of the country are dysfunctional due to drying of water sources; falling water tables; damage from natural disasters; poor quality of construction materials and equipment; lack of standardization and oversight; poor operation and maintenance services; coordination issues with the private sector; and lack of community ownership. Fecal contamination of drinking water is as high as 60%, infant mortality is 111/1000 live births and **under-5 mortality of 161/1000** (according to Ministry of Public Health (MoPH), mainly due to continued fecal oral transmission of harmful pathogens resulting in deaths from preventable diseases” (Islamic Republic of Afghanistan, 2010, p. 2).*

In other words, the rural population under WASH is not only suffering from missing water infrastructure but also damaged and/or dysfunctional equipment and water points, dry

water sources, lack of coordination, standards and upkeep. Moreover, the disastrous infant mortality rate, including the children under five mortality rate of 161/1000, is mainly due to water-borne diseases from contaminated and hazardous water. The percentage of the rural population with access to safe water source is not included, but according to statistics from the WHO/Unicef, access to safe water, or “improved water source”, is 40,5% of the rural population in 2010 (2017).

The Rural WASH Sector Synopsis provided by Mr. Ghulam Qader at the MRRD/Ru-WatSIP in 2016, i.e. six years later, assesses the situation somewhat differently:

*“Despite of the focused effort through a number of initiatives including creating of enabling environment/formulation of sector policy and strategy papers, establishment of coordination mechanism, paradigm shift from project-emergency based modality towards coordinated programmatic approach, **still 42 % of rural communities are suffering from the shortage of improved drinking water.** [The] **mortality rate of children under five years old is figured out at 76/1000 [...]** Also 30-35 of serviced water points, due to repeated drought and over-extraction of groundwater for agriculture purposes [and] technical as well as social aspects, are run dry (Personal communication, 12. August 2017).*

In both the reports/synopses, the MRRD relies on the local CDCs for contracting, oversight and operation and maintenance of the Citizen’s Charter’s WASH program and other basic services. Women’s participation for reaching the WASH objectives and deadlines are very similar in the assessments for 2010 and 2016. However, the 2016 description of the rural water situation is less alarming. Once again is the percentage of the rural population with access to safe water not included, but according to the Ru-WatSIP statistic, rural people’s access to safe water is 53% (personal communication with Mr. Qader, 12. August 2017), an increase of 12,5% since 2010. Another indication of progress is the mortality rate for children under five, dropping from 161 children per 1000 in 2010 to 76 children per 1000 in 2016. In MRRD’s opinion this rate is still unacceptably high, nevertheless; it is a substantial improvement from the situation six years earlier, and likely linked to the increased access to safe water among the population during the same time span.

5.6.7 Opportunities and challenges

The MRRD/RuWatSIP synopsis includes a list of opportunities, which the agency considers will work to their advantage when attempting to reach the main objective of universal access to safe water. On the positive side is a shift from a project and emergency based modality of WASH towards a coordinated, programmatic approach as part of the Citizens' Charter National Priority Program (CCNPP), and the establishment of a hydro-geological and geophysical section in the MRRD, which will be providing hydrogeological services necessary for the implementation of WASH. Furthermore, the MRRD is content with current and future transfer of Ru-WatSIP capacity and competence down to the lower government levels, as well as continued capacity development in the CDCs and facilitating partners (FP), among other. Finally, the WASH sector has been prioritized in national public funding, from USD 5 million in 2016 to first USD 17 million and then USD 20 million for 2017, a quadrupling in one year. According to Ru-WatSIP's Mr. Ghulam Qader, increased transparency and improved accountability as well as solid performance has increased donor's confidence, and the MRRD therefore expects continued investments into the WASH program by Unicef and relevant NGOs for the next three years (personal communication, 12. August 2017, MRRD, 2016b, p. 2).

However, many are the shortcomings and obstacles the government through the MRRD must overcome, to be able to reach the SDG/CCNPP target 6.1 in 2026/27. Funding, poor alignment and sharing of information, as well as coordination between programs, agencies and donors are persisting challenges. The arid lands, limited natural water resources and a backlog of infrastructure require very large investments in "capturing, transporting and treating river water" (MRRD, 2016b, p. 1). Other constraints are low capacity and understaffing at provincial and district levels as well as among facilitating partners, sub-optimal education and training of CDCs, low levels of human resource management and logistical capacities, and a lack of hydro-geological data, despite the recent establishment of these services. Moreover, drought and ground water use for agricultural purposes has led to a water table drawdown in some areas, causing dry/non-functioning of 30-35% of existing water points. The situation is viewed as so alarming that the government has established a High Council on Water, chaired by the President himself, to streamline the management of "increasingly scarce water resources" (MRRD, 2016b, p. 2).

However, the single most significant constraint for the WASH program activities is the detrimental security situation, as it causes delays in several development projects and

tends to deter investors and contractors willing and able to carry out the WASH implementation in the rural districts (2016a, 2016b, Personal communication with Mr. Qader, 12. August 2017).

Thus, the obstacles to achieving universal access to safe drinking water in the rural areas by 2026/2027 are formidable. But the government/MRRD is by its own accord optimistic and firmly committed to the SDGs and has through the CCNPP formulated, in their opinion, a realistic WASH policy in reaching target 6.1. Regarding the funding gap, the MRRD expects the still missing UDS 26 million annually will be made available," thanks to the continued generous support of the international community" (MRRD, 2016b, p. 5).

If successful in keeping the SDG 2027 deadline, the long and strenuous hikes, dirty and hazardous water, and premature deaths due to water-borne diseases will be history also in rural Afghanistan. The country will even be three years ahead of schedule compared to the global SDG time frame, whose deadline for universal access to potable water is 2030.

CHAPTER SIX

6 Methodology and data

6.1 Method

As indicated, my aim for this thesis is to produce a comprehensive and context-sensitive study which will bring new light into the status of rural women's agency regarding water use and governance in two rural villages in rural Afghanistan. Moreover, I wanted to investigate whether the intentions and effects of the governance recognize and acknowledge these women's human right to access safe and affordable water, participation and non-discrimination. My intention is a case study representative for the Ashtarlai women interviewed.

The thesis is a combined desk-study, based on fact sheets, reports, briefs, articles and books, and qualitative interviews with woman water users in rural Afghanistan, as well as key interviews and correspondence with representatives for the Norwegian Church Aid in Afghanistan and the Afghan government. The research is grounded in human rights and agency theory. Over the course of four days, I conducted individual, semi-structured telephone interviews with twelve rural women in two villages in Ashtarlai district, Daikundi, with the assistance from NCA-Afg. These were complemented by Skype interviews with the

Deputy Minister (Irrigation) at the Ministry of Agriculture, Irrigation and Livestock, Mr. Fahimullah Ziaee, and Director of NCA-Afg, Ahmed Hassan, as well as a live interview in Oslo with NCA-Afg's WASH program officer, Mr. Ghulam Tariq. In addition, I have relied on information provided through email conversations with same Mr. Tariq, the director of the Rural Water Supply, Sanitation and Irrigation Programme (RuWATSIP) in the Ministry for Rural Rehabilitation and Development (MRRD), Mr. Ghulam Qader, and RuWatSIP official Mr. Khawar Mamoon. Finally, I have corresponded with the NCA-Afg WASH Officer who acted as interview facilitator and translator, Ms. Mursal Abrar. Thus, the research is based on both primary and secondary data.

The original topic, rural women's right to water in Afghanistan, emerged out of personal interest for both women's rights and gender equality in general, and water, as the condition for all life. Moreover, I was interested in Afghanistan as a country with a fascinating history and culture, and as a political and social case of fragility, in what one may call a tenuous transition from a traditional society to a modern democracy. This interest was the starting point for the research questions. After identifying the necessary human rights theories, I did a literature review on agency theory as well as investigating literature on the situation in Afghanistan regarding economy, development, security and social and political conditions, such as patriarchy, gender and women's position and rights. Finally, I included literature - government briefs, UN fact sheets, articles, journals and reports, on climate and precipitation, water management and governance as well as legal pluralism in Afghanistan.

6.1.1 Triangulation and representativeness

Quality research depends on triangulation, i.e. the use of several different methods and sources of information, enabling the crosschecking of data (Bryman, 2012, p. 386). I sought to compare and link the information found in the literature and interviews to the data generated from my research on the rural women in Ashtarlai province. Summing up, I reviewed the chosen theory as well as the broader literature and previous research on natural, political and societal conditions in Afghanistan, and used all the information as a lens through which I analyzed the findings from the qualitative interviews. The theories and the background knowledge became valuable for the discussion and the subsequent conclusion of the thesis.

To my knowledge, no previous research has been focused on the situation regarding women's access to water, participation and discrimination in the Ashtarlai villages Kakrag and Dahane-Shalege. However, I have had access to a Dryness Report conducted in Ashtarlai

and two neighboring districts in Daikundi, as well as Dr. Ingrid Nyborg's 2016 focus study from the villages Masrook and Qwame Bocha, also in Ashtarlai district. I understand that many of the conditions, such as climate, elevation/topography, the degree of poverty, a backlog of development and government services and infrastructure are very similar in Ashtarlai and its neighboring districts in Daikundi. Some of the findings in this research highlights, correlates with or contradicts the results of my study. Therefore, to increase the reliability of my data, I have found it expedient to compare and refer to these findings whenever relevant.

6.1.2 Collecting data

I decided early on that collecting empirical data through semi-structured interviews would be the most suitable method for my research. This because I wanted to hear it in the words of actual women water users. Moreover, I wanted the opportunity to ask probing follow-up questions, enabling the respondents to clarify and elaborate. The assumption was that I would gain a more in-depth understanding of their personal, unique experiences with and opinions on the situation regarding water, participation and non-discrimination, and the state's fulfilment – or lack thereof – of these rights. Semi-structured interviewing is therefore an appropriate method when the aim is to generate exhaustive, in-depth information as well as details and nuances. Moreover, it allows for the comparison of respondents' experiences under equal or near equal circumstances, while also exhibiting the necessary flexibility in the case of new discoveries and aspects surfacing during the interviews (Johannesen, Tufte, & Christoffersen, 2011, p. 139). This last aspect is particularly important. As one new and relevant aspect indeed did emerge, I was convinced that I had selected the proper method for my research.

I also considered using a focus group in each village, as these groups may facilitate dialogs which will allow for the exchange of many different views from several respondents at once. Through such a process, the research may gain a lot of data in a brief time span, as well as permitting the surfacing of new and important themes and aspects (Johannesen, Tufte, & Christoffersen, 2011, p. 151). However; my Oslo location and the group discussion through NCA facilitation taking place in Daikundi, where there is neither internet nor a regular telephone connection, made this endeavor unfeasible. Other options, such as recording the discussion, and having it sent to me from Kabul at a later date, did not seem expedient either. Considering myself familiar with the likely problems and challenges I would be asking about and listening for in the individual interviews, I considered that new topics and aspects might

surface equally well through the interviews, and decided that a focus group discussion would not be worth while.

Thus, my study, consisting of twelve individual interviews with women water users from two rural communities in Ashtarlai, Daikundi, in addition with the key interviews and email conversations mentioned, combined with the study of previous research, theories and additional information on the topic, make up the foundation for the analysis and discussion in this thesis.

6.1.3 Planning and conducting the interviews

The security situation in Afghanistan made it impossible for me to be present on the ground in the Ashtarlai communities. I therefore relied on local assistance on the ground in Afghanistan. I prepared an interview guide, based on my research questions and theory on the human right to water, participation and non-discrimination, as well as my contextual knowledge about Afghanistan. Input from the director of NCA-Afg programme coordinator helped me evaluate which questions might be improper or difficult to understand for the Ashtarlai women. I then revised the interview guide to make it more suitable for my purpose.

The revised version I sent to the NCA field worker in Kabul, to help her prepare herself for translating the questions and (likely) answers live during the telephone interviews. She then traveled to Ashtarlai to arrange for the interviews, assisted by NCA-Afg's facilitating partner, the Coordination of Afghan Relief (CoAR)¹⁰. The interviews were conducted 7-11 July 2017, at CoAR's regional office in Kharbid, Ashtarlai district. Due to the lack of phone signals in Kakrag and Dahane-Shalege, the twelve interviewees were transported to Kharbid by the NCA/ CoAR, where the presence of mobile coverage made it feasible to conduct the interviews.

The revised interview guide contained 47 overlapping questions (see Appendix 1). The initial ones were survey based, with pre-made answer alternatives to choose from. These were meant to streamline the collection of basic info according to the variables mentioned above, in addition to water use and consumption, water needs and the nature of water source(s), head of household, and the like. The key questions were intended to have the respondents elaborate on their experiences and opinions regarding the respondents' roles in the water regime, their formal and informal water management participation, or lack of such, and the reasons thereof.

¹⁰ CoAR is, according to their web site, an "Afghan, independent, non-political, non-sectarian, non-for profit organization established in 1989 in response to the needs of delivering humanitarian assistance to Afghans during prevailing conflicting context of Afghanistan". Please see <http://www.coar.org.af/>.

Finally, some questions were meant to investigate their perceptions of participation and discrimination as well as the interrelatedness and indivisibility of rights, namely water-related inequality, health issues, their opinion on gender equality and government services, as well as constraints and hardships related to these topics.

During the interviews, I registered that most questions were relevant as expected and added to my knowledge and understanding of the respondents' unique perceptions of their situation. However, some questions turned out to expose highly surprising information, even more so than I had anticipated. All in all, the questions and follow-up questions enabled findings which I believe have produced new knowledge about the gendered effects of the legal plurality of water governance on women, and the state of Afghanistan's role as duty bearer. I will return to these results in chapter seven.

6.1.4 Selection of location and participants

I had no principal geographic demands to the location of the case study, as long as it would take place in a rural community. Since I was unable to travel to Afghanistan as indicated, I therefore contacted the NCA in Afghanistan. NCA-Afg has field offices in Daikundi, Uruzgan and Faryab provinces (NCA, 2016). Considerations of the NCA field worker's security and safety while conducting and facilitating the interviews were the decisive factor when deciding on location. Therefore, Daikundi as the most peaceful of the three provinces was selected. Hence, the location for the case study was based on convenience, meaning the sample is available and accessible to the researcher (Bryman, 2012), as well as security concerns.

Through our email conversation, it became clear that NCA could organize and facilitate interviews in a community where the WASH programme had recently been implemented, a village by the name of *Kakrag*. However, they could also organize interviews in a community familiar to NCA field workers, but where the WASH process had not yet been implemented, the *Dahane-Shalege* village. I thought this was a desirable arrangement, as it would enable me to compare women's experiences in what I anticipated would be two communities with very different circumstances related to water, participation and non-discrimination. This variety would again create more reliable and better data as well as increase the relevance of my research. Moreover, the inclusion of the non-WASH community would be important, since the purpose of my thesis is to investigate and assess the state of Afghanistan as duty bearer for

the women respondents’ rights, not the WASH program or the NCA-Afg’s implementation of same.

In order to investigate intersectionality, I needed to divide the units, i.e. women water users, into categories, as I wanted to look for possible patterns among the respondents along the lines of variables. Therefore, it was important to assemble the interviewees according to the principle of maximum variation, i.e. purposeful sampling (Patton, 1990, in Johannessen, Tufte, & Christoffersen, 2011, p 106). Apart from gender, these variables were age, health, socio-economic and marital status, literacy, and any other relevant factor that might emerge during the interviews.

Furthermore, to account for data reliability, I considered the number of respondents. According to Johannessen, Tufte & Christoffersen, 10-15 respondents will suffice in smaller studies (2011, p. 104). As I was expecting the respondents to voice many common experiences and opinions due to their shared circumstances, I considered my study would meet its saturation point rather quickly. Allowing for feasible interviewing, I then settled on 12 respondents, six in Kakrag, the WASH village, and six in Dahan-e-Shaleg, the non-WASH village. In each village, NCA found and assembled respondents according to the purpose sampling principle mentioned above, as specified in my emails. In both villages, I was therefore able to interview 12 women with various levels of education and social and civil status between the ages 18 and 60 (see table 1 and 2 for further information).

TABLE 2: Respondents in Kakrag, WASH village¹¹

(approx. 104 households, 1000 inhabitants)

Name (Anonymized)	Age	Literacy	Health	Socio-ec. status	Working with/as (occupation)
Afarin	42	Illiterate	Minor problems	Poor	Farm laborer, home chores incl fetching water. <i>Member of WASH Committee</i>
Bitā	54	Illiterate	Disabled, cannot walk properly, shot in hand and leg as a child during war, leg never healed	Middle income	Home chores incl fetching water, subs. farming, livestock
Chehrah	50	Illiterate	Minor problems: blood pressure, kidney problems	Poor	Home chores incl fetching water, subs. farming, livestock

¹¹ For a more detailed information on the respondents in both villages, please see Appendix 2: Coding.

Donya	18	Literate	Good/ very good	Well-off	Home chores incl fetching water, studies <i>Deputy leader of WASH Committee</i>
Elham	56	Illiterate	Minor problems: Hip problem + infertile	Middle income	Home chores incl fetching water, subs. farming, livestock
Fawzia	20	Literate	Good/ very good	Middle income	Home chores incl fetching water, + school (10 th grade) <i>Member of WASH Committee</i>

TABLE 3: Respondents in Dahane-Shalege, non-WASH village

(approx. 50 households, 550 inhabitants)

Name (Anonymized)	Age	Literacy	Health	Socio- ec. status	Working with/as (occupation)
Ghazal	22	Literate	Minor weaknesses: faints randomly + kidney problem	Middle income	Home chores incl water, subs. farming livestock (helping parents)
Jawana	21	Literate	Minor weaknesses: back pains, knee pains	Middle income	Home chores incl water
Hakimah	60	Illiterate	Disabled: Walks with strong limp, 'crippled', fell from cliff while fetching w.	Poor	Begging, home chores incl water
Khaterah	35	Illiterate	Minor problems: stomach aches, unfamiliar w. cause	Middle income	Home chores incl water, subs. farming, livestock
Leila	60	Illiterate	Minor problems: back problems and pains	Poor	Home chores incl water, which is only <i>her</i> responsibility
Monira	30	Illiterate	Minor problems - skin rashes	Middle income	Home chores incl water, subs. farming, livestock

6.1.5 Coding and analysis

Once through with the telephone interviews, I started the coding process. The aim of the coding is to structure the data to make it more clear and accessible. Scrutinizing the data, I created tables and systematized basic info, such as age, literacy, number of children and socio-economic status. Looking for patterns and correlation, I attempted to link these data to the respondents' experiences with access to water regime, gender equality and degree of

participation in water management. Based on the interview guide and the research questions, I had created certain topical categories beforehand, like WATER NEEDS, DISCRIMINATION, PARTICIPATION, and AGENCY. Other categories, like DISAGREEMENT w/ NORM and SATISFACTION w/ GOVERNMENT emerged during the interviews and the analytical process. To emphasize certain results that I found especially interesting and relevant, I also made a few sectoral diagrams based on the results.

As I assumed major differences in the experiences and perceptions of the women water users in Kakrag, the WASH village, and in Dahane-Shalege, the non-WASH village, I paid special attention to this aspect. Finally, after coding the results, I made the analysis based on the results and in the light of the theoretical framework, and reached a conclusion.

6.1.6 Reflections on reliability and validity

Quality research requires valid and reliable data. Interviewing marginalized, rural, sometimes illiterate, women in a developing country, I was curious of the degree to which the respondents would be able to express themselves truthfully, to narrate and explain circumstances, practices and traditions, thoughts and feelings, about themselves, their community, their government – and about abstract concepts like discrimination and equity. How would this ability influence the production of knowledge I was aiming for? This is an epistemological question presented by Ackerly and True, among others (2008, p. 693). Anticipating the interviews, I was apprehensive about my respondents' abilities in this regard. However, Anthony Giddens claims that to be a (purposeful) agent is to have reasons for her or his activities, and if asked, to “*elaborate discursively upon those reasons (including lying about them)*” (1984, p. 3). I trusted that through the interviewing process, the respondents according to Giddens' theories would be capable of transforming tacit understanding of own knowledgeableability in the context of own *durée*, or lived-through experience, and express and justify her or his actions through spoken language. To my satisfaction, and to a varying degree, the interviews with the Ashtarlai women corresponded to Giddens' theorizing. I was at times impressed by the respondents' ability not only to express themselves, but also the level of personal integrity and sophistication regarding own experiences, thoughts and opinions. I will return to these aspects in my analysis of the case study.

6.2 Ethical considerations

Adhering to feminist research ethics, in specific the theories expressed by Brooke Ackerly and Jacqui True, I committed myself to self-reflection. I wanted to be aware of my own situatedness as a researcher, and the inherent difference in power between the Afghan women

as interviewees and myself as the interviewer (2008, p. 695). In particular, I wanted to be aware of how my own privileged situation as a college educated, secular, European, and (in the eyes of most Afghans) rich woman might influence the relationship between the Afghan women and myself, and thereby also the results of the interviews, i.e. the data, and ultimately, my research and conclusions.

General research ethics guidelines hold that the researcher's main responsibilities are the duty to respect the respondents' privacy and right to anonymity, autonomy and integrity (Johannessen, Tufte, & Christoffersen, 2011, pp. 91-92). I was particularly sensitive to the last of these, as the objective was to build a relationship with the Ashtarlai women that was professional and critical and thus would serve my research purpose, but still would inspire trust and be experienced as comfortable by the respondents. In other words, I wanted to create an atmosphere of respect on my part for their unique experiences and opinions, and gratefulness for them sharing these with me, while at the same time retaining a position of critical distance and scrutiny. I was most apprehensive about the risk that inexperience and clumsiness on my behalf would in some way disrupt the relationship. Therefore, after learning more about the destitute circumstances, particularly in Dahan-e-Shaleg the non-WASH village, I tried to rephrase certain questions to avoid having them feel uneducated or uninformed. Throughout the course of the twelve interviews, I increasingly downplayed questions about awareness, for instance of the provision of equal access to resources guaranteed all Afghan citizens through the Constitution. However, due to the near unanimous lack of knowledge or awareness regarding their rights, my conclusion was that these tactics did not affect the research in a negative way. Nor was it my impression that the questions were perceived as insensitive or in any way made the respondents feel uncomfortable or insulted. I attributed this atmosphere of ease and calm to the professionalism of the NCA facilitator, the qualities of the interview guide, my probing, but respectful questioning, and perhaps the Afghan culture of friendliness and hospitality.

6.3 Limitations and advantages

6.3.1 Official government information

It has at times been difficult to gather official information about Afghan water policies, strategies, funding of programs and other relevant data. Many MRRD website links were inactive, dead, or there were language barriers, i.e. web site content in Dari/Pashto. Eventually, Mr. Ahmed Hassan at the NCA-Afg procured *the Water Resource Management, 1387-1391 (2007/08 – 2012/13)* document, and Mr. Karim Merchant sent me the (unofficial)

English translation of the 2009 Water Law. He also put me in contact with Mr. Kharwar Mamoon in the government who procured the Ru-WatSIP/WASH Sector Synopsis 2016-2019, and the World Bank's Project Appraisal Document (PAD) Citizens' Charter 2016. Moreover, NCA-Afg's WASH officer Ms. Mursal Abrar sent me the MRRD's WASH Implementation Manual. She also put me in contact with Ru-WatSIP Ex. Director Mr. Ghulam Qader, who provided the 2016-2019 *Rural Water Supply, Sanitation and Hygiene /WASH Sector Synopsis*.

6.3.2 The case study

As mentioned, I conducted my interviews through one of NCA/Afghanistan's (NCA-Afg) WASH officers, who again was assisted by CoAR representatives. NCA-Afg not only facilitated, conducted and translated the interviews, the organization also selected a sample of respondents based on my written specifications, as indicated above. Wanting to investigate which factors, if any, influence and/or regulate access to water, I was particularly concerned with the principle of maximum variation in the sample, namely variables like household income, age, health conditions, and marital status. Not present at the site, I would not have full control regarding the actual set-up of respondents. Hence, I relied on NCA-Afg's understanding of my specified needs.

Anticipating the significance of the interview guide, I spent a lot of time writing and revising. When analyzing my results, I nevertheless encountered some areas where neither my written questions nor my oral follow-up questions failed to cover important aspects of their water-fetching tasks. For instance, I had insufficient information on the water fetching procedure. How did the respondents estimate their household's water consumption? How did they carry the heavy jerry cans – on their backs? Many women reported on pains in hips, backs and legs – how is it at all possible to carry perhaps 100 liters a day with hip pains and a limp, as one of the women in Dahane-Shalege reported? However, although unfortunate, neither of these missing details turned out as essential, and I am content with the final analysis based on the data that I received.

I was very aware of the risk of leaving essential tasks like the choice of not only the province and district location, but also the selection of respondents to the NCA-Afg, although after my specifications. Since I would be scrutinizing NCA-Afg's work in Kakrag and the effects of the organization's implementation of the WASH program here, NCA-Afg would have vested interests in my research, benefitting greatly from positive reviews. I therefore

spent some time weighing my options, and the risks involved. But since NCA is a reputable organization, known for its professionalism and integrity, I considered the risk acceptable. Furthermore, the organization has been working with implementing partners in Afghanistan for a long time and is familiar with the socio-political and cultural conditions, as well as the Ashtarlai communities and the thesis subject matter. Being completely reliant on an organization present on the ground in Afghanistan, i.e. the convenience aspect, I decided my best option was to trust NCA in being as interested in reliable data and valid research results as myself. Fortunately, my experiences with NCA-Afg did not give rise to doubts about NCA-Afg's integrity or objectivity; their facilitation and translation turned out just as expected.

To minimize errors and misunderstandings leading to inferior data, I made pains in our email conversation to be as specific as possible about my needs regarding the informant samples, the interview procedure and circumstances. Eventually, I was very pleased with both the procedure and selection of respondents, as well as the data collected from each one.

Furthermore, my inability to ask questions and understand the answers in a language that the respondents understood meant that I was at the NCA-Afg field worker's complete mercy. The process of translation always entails a certain risk that valuable and accurate information will be lost or changed, if not willfully manipulated; this was a calculated risk on my part out of necessity and convenience, as indicated. I believe there was an unclarified translation problem concerning the nature and degree of the women's involvement in farming and farming-related water needs, caused by an initial confusion of the terms *watering* and *irrigation*, the latter defined as water running in man-made channels from the river into the fields. This confusion as well as unclarity regarding the question of kitchen gardens/vegetable gardens made it difficult to get a clear picture on the women's direct involvement in farming and therefore, productive water needs. Considering data on other areas, such as direct questions on their daily activities, the men's daily activities, I ended up with the conclusion that some of the women are partially involved in farming and/or have productive water needs in activities such as subsistence farming, fruit production and animal husbandry. Moreover, the findings indicated a significant gendered responsibility in that farming and irrigation in the two Ashtarlai villages are considered to be men's responsibilities. I therefore chose to focus on the respondents' combined domestic/productive water needs, and less on irrigation.

Other minor instances of confusion or misunderstanding were quickly cleared up during the dialog. Moreover, in the case of certain words having a rather general meaning, I was due

to the context able to re-interpret these into terms which made more sense in the situation the informant was referring to. For instance, the facilitator's frequent use of the word *happy* in her translation of the Dari-speaking Kakrag respondents' experience with the piped water scheme, I was, depending on the narrative situation, able to interpret *happy* more accurately as 'content', 'satisfied', or even 'overjoyed'.

Still another challenge that I had failed to anticipate regarding the translation and facilitation process was the facilitator's sometimes tendency to interpret or even sum up the respondents' utterances. For instance, when asked about awareness regarding the Constitution or the 2009 Water Law, the translator/facilitator twice summed up the interviewee's lack of relevant answer as lack of knowledge: Instead of translating the informant's exact words, and having me reach the conclusion of the informant's ignorance on the subject, the translator/facilitator said "no, no, she does not know anything about this; she is only giving irrelevant information." However, as *none* of the respondents ever answered affirmatively to the question of legal awareness, I concluded that the translator/facilitator most likely was accurate in her observation. Hence, I found it unnecessary to inquire any further.

Regrettably, there were a few weaknesses in the interview guide. The most important is that I failed to ask the respondents directly about transparency and accountability. Therefore, I have not been able to investigate this topic any further.

Still, conducting semi-structured interviews live through telephone technology enabled me to address and clear up almost all problems along the way during the interviews. Not least due to the professional assistance of the NCA-Afg facilitators, I believe the data created through the interviews and the subsequent analysis are accurate, reliable and valid.

CHAPTER SEVEN

7 Research context and results

7.1 Research context

Daikundi province, of which Ashtarlai is one out of nine districts, is situated in the heartland of the ethnic minority Hazara, or *Hazarajat*, about 460 kilometers west of Kabul. The average elevation is 2,400 meters above sea level and the province covers 22,000 square kilometers. Situated high up in the Central mountains, it is one of the most thinly populated provinces in the country, with approximately 830,000 inhabitants, of which near 90 percent

live off subsistence agriculture and animal husbandry in small, rural communities. Poor or non-existent roads, heavy snowfall, flooding, soil and snow avalanches as well as security threats may block passage; during the winter months, certain smaller communities may be completely isolated for months at a time. Three rivers flow through the province; the topography creates good conditions for dams and reservoirs, but no such water infrastructure is constructed (Pahjwok Afghan News, 2014, Nyborg & Jaeckle, 2016). The province is one of the least accessible and undeveloped, and therefore one of the poorest in the country.

A major portion of the subsistence farmers in the province as a whole rely on irrigation through traditional channels feeding water from the rivers and springs into the fields. Therefore, seasonal fluctuations as well as severe droughts cause water scarcity on a regular basis, as indicated. This factor adds to insecurity not only regarding availability of water for domestic use, but also in the local food production: in a survey conducted in Ashtarlai and two other Daikundi districts in 2011, 83% of the population interviewed believe the drought will have a negative impact on their wheat harvest, a clear majority (Reliefweb, p. 11).

Due to the lack of development and local employment, the population in Daikundi is forced to resort to other livelihood strategies to avoid starvation, such as through seeking income work elsewhere, selling off livestock, borrowing money for food, and migration, either whole families, or adult male household members who send cash remittances to their families in the village (Reliefweb, 2011, Nyborg & Jaeckle, 2016). Moreover, mismanagement in the form of failure to maintain existing infrastructure, such as traditional irrigation channels, cause water leaks and water waste. Thus, lack of development, infrastructure as well as mismanagement contribute to water scarcity, which, together with other factors such as a lack of fertilizer, technology, new animal breeds et al., are causes of not only of food shortage, but factors that may exacerbate poverty over time. I will return to these aspects farther down.

The general situation related to water, poverty and lack of development in Masrook and Qwame Bocha in Dr. Nyborg's study corresponds with the experiences reported by the respondents in neighboring Kakrag and Dahane-Shalege. The various forms of water sources as demonstrated in table 2 also corresponds with the current water sources in the non-WASH village Dahane-Shalege, as narrated by the women interviewed here. According to the Dryness Impact Survey Report for Afghanistan conducted in Ashtarlai and two neighboring districts in 2011, 24 percent of the residents in Ashtarlai rely on surface water from the river,

while 67 percent draw their water from an (unprotected) spring. As such, unprotected water sources constitute 91%¹² (see table 2, below). My study did not generate sufficient data to enable similar statistics, but the overall impression of ubiquitous use of unprotected water sources is very similar to the experiences narrated by the women from Dahane-Shalege, and the Kakrag women before the WASH implementation in 2016.

Table 4: Water sources in Ashtarlai¹³

Main source of Drinking water	District		
	Ashtarly	Sange takhat	Shahristan
Open well	0%	7%	19%
Protected well	10%	14%	19%
River	24%	39%	13%
Spring	67%	39%	48%
Grand Total	100%	100%	100%

Sample: 210

(Source: Reliefweb, 2011).

7.1.1 Kakrag and Dahane-Shalege

Kakrag is the largest community, with 104 households numbering approximately 1000 inhabitants altogether. The Dahane-Shalege community is about half the size, containing 50 households and approximately 550 inhabitants. The two villages are situated roughly 15 km apart, but in different valleys. As the villages are separated by high, mountainous terrain in addition to a total lack of telephone coverage, communication between the villages is very difficult and time-consuming (M. Abrar, personal communication, 6 August 2017).

With a few exceptions, the people in both villages lack electricity, and there are no village schools, health clinics or mosques. All the respondents emphasize that there is no village leader, religious leader or any other form of local government, like a Community Development Council (CDC), in the villages. Moreover, neither village is on an official MRRD list of CDCs set up under the NSP or the CCNPP (K. Mamoon, personal

¹² The calculation is faulty: the total sum is 101% instead of 100%. Although unfortunate, I nevertheless consider the results reliable, as 1% constitute only a marginal change.

¹³ "Ashtarlai" is the local spelling of the district's name. "Ashtarly" is the anglicized version.

communication, 8. November 2017). However, according to Mr. Ghulam Tariq and Ms. Mursal Abrar in the NCA-Afg, Kakrag and Dahane-Shalege as very small and scattered communities most likely are merged into a so-called cluster CDC, meant to cover several villages in a larger area (personal conversation, 12. October 2017 and 4. December, accordingly). The reason why none of the 12 respondents showed any awareness of belonging to a cluster CD is not known, but is perhaps related to the low general awareness among the interviewees, illiteracy, or perhaps that the CDC is not functioning properly or at any rate is not focused on them or their interests.

In Kakrag, the aforementioned WASH programme was implemented by NCA-Afg six months prior to the interviews, in accordance with the MRRD/Ru-WatSIP WASH implementation manual. The NCA-Afg and their implementing partner CoAR were responsible for the construction of a gravity water pipe scheme from a spring high up in the mountain. According to WASH program coordinator Ghulam Tariq, and in correspondence with the MRRD's WASH Implementation manual, the villagers contributed with the digging of pipe trenches and other free labor (MRRD, 2013, personal communication, 15. September 2017). The pipe scheme is providing the villagers with reliable, safe, potable water from 12 public tap stands at various places in the community. Their locations were recommended by members of the community, including women, in a manner designed to facilitate equal access. The water runs from a spring high up in the mountains surrounding the community, into a reservoir and from there into the piped water scheme. The water quality is tested at four stages: at the source, reservoir, tap stands and households, and treated through chlorination and filtration if signs of contamination, according to NCA-Afg WASH Officer Mursal Abrar (personal communication, 12. July 2017).

At the initial stages of any WASH implementation, NCA-Afg assesses water needs, the water source(s) and the amount of water available. If water is abundant, then the NGO will arrange for the provision of irrigation water. Acknowledging the Kakrag community's multiple water needs, i.e. both for productive and domestic purposes, this evaluation was conducted also in Kakrag. Unfortunately, the spring's discharge was considered to be sufficient only for domestic water, subsequently; this was the infrastructure put in place (i.e. the gravity pipe scheme). This situation of water scarcity entails that the community members cannot use the piped water for other than domestic purposes. In other words, due they are forbidden to use piped water for productive purposes such as watering food plants in their

homestead gardens, if they have these (G. Tariq, personal communication, 28. & 29. October 2017).

It is standard WASH policy to facilitate for equitable user participation in local civil society structures prior to the planning, design and actual construction of water infrastructure, as indicated in the MRRD's WASH manual discussed above (2013). Hence, a gender-equal WASH committee (WC) – four women and four men - was established through community mobilization and open elections. Under supervision and guidance from NCA and their local partners, the Kakrag WC members were trained to manage the communal water scheme, including planning the location of water tap stands, the construction of the water scheme, and design of sanitation facilities prior to implementation. After completion, the members of the WC have been given various responsibilities such as the subsequent maintenance of the water scheme, management of revenue, and for teaching sanitation and hygienic behavior to other community members, including the correct use of the tap stands (Kirkens Nødhjelp, 2015). Three of the women interviewed in Kakrag were serving on the WC, and the collection of water usage fees was one of their responsibilities. The fee is 50 AFN per household per month, according to the respondents and NCA-Afg WASH Officer Ms. Abrar (personal communication, 1 December 2017). This amount is far below the national average of 188 AFN for domestic water in rural areas, according to a survey in 2005 (Islamic Republic of Afghanistan, 2007, p. 48).

The NCA-Afg and its implementing partners' five years' strategic WASH plan, of which the case study Kakrag village in Ashtarlai is a beneficiary, is fully financed by the Norwegian Agency for Development Cooperation (Norad) as well as the Norwegian Church Alliance (NCA) through the Norsk Rikskringkasting (NRK) solidarity telethon in 2014. The theme of the telethon was "Water changes everything", and the NCA was the sole receiver of the NOK 240 million¹⁴ revenue, enabling the NGO to implement WASH and other water-related development projects in Afghanistan and seven other developing countries (Norwegian Church Aid, 2014, Mr. Tariq, personal communication, 15 September 2017).

In Dahane-Shalege, there is currently no water supply service. The women in this village fetch water from a nearby river or spring. However, the community is on a list of 41 Daikundi villages projected for WASH Program implementation before the end of 2020 (M. Abrar, personal communication, 12. July 2017).

¹⁴ Approximately USD 30 million in today's value, i.e. 27. November 2017.

7.2 Results

The data from the interviews in Kakrag and Dahane-Shalege gives a good impression of the women respondents' experiences related to water, participation and non-discrimination, as well as the interrelatedness of rights. Many relevant aspects emerged, including striking differences between the village which had implemented WASH, Kakrag, and the non-WASH village, Dahane-Shalege. I will deal with these topics in due order. They are: socio-economic situation, literacy, perceptions about community challenges, the water regime, discrimination, participation and agency, awareness, the difference between Kakrag and Dahane-Shalege, and degree of satisfaction.

7.2.1 Socio-economic situation

The aim is to investigate the respondents' access to water, participation and non-discrimination, including the intersectionality principle, and assess agency. In this connection, the respondents' socio-economic situation is relevant. As I wanted their subjective perception of the socio-economic situation, I did not venture to establish indicators for distinct economic classes, e.g. as number of livestock and/or jeribs of land per household, or ask specific questions about wealth. Hence, they were asked to describe the general conditions in their communities, to elaborate on own economic situation, means of subsistence, livelihood activities, and define themselves and their households as poor, middle-income or wealthy. The women displayed a familiarity with the concept of socio-economic classes, and seemed to have little difficulty placing themselves accordingly; suggesting knowledgeability and reflexive capacity regarding their *durée* as agents mentioned earlier.

Interestingly, five of the twelve women interviewed defined themselves as heads of household. This status generally correlates with the absence of an able husband in some manner: One of the respondents is a widow, one is divorced, one has a husband who works in a mine and is not present on a regular basis, and one reports that her husband is disabled. One married respondent also reports that she is head of household, but without explaining why. Still another explained she was a widow, but still did not consider herself head of household.

When asked to describe the situation in the communities, the women emphasize mainly two, likely interrelated factors: poverty and unemployment for women. Even so, of the twelve women interviewed, one defines herself as wealthy, four define themselves as poor, and seven as middle-income. Their socio-economic class is connected to male family members' income and their families' wealth, i.e. their means of subsistence, or lack thereof: Ten out of twelve

respondents and their families own farm land and work as farmers¹⁵. All the four women interviewed who consider themselves poor are illiterate, and two of them own neither farm land nor livestock. These two are both without husbands, and works as a farm laborer or begs for money, accordingly. The third poor woman, a widow, reports she now owns one cow, one sheep and three chickens, after having lost two sheep and one cow in the spring flood- a reminder that too much water can be just as harmful as too little.

All the women who deemed themselves middle-income or wealthy belong to households who own farm land – some irrigated, some not - and livestock. Part of their work as women is to tend to the domestic animals. Hence, they are able to sell dairy products and eggs and in this manner, contribute to the household income¹⁶. None of the four poor women reported to have this extra income, not even the two who own land and livestock. The assumption is that they produce for their own households' consumption only.

7.2.2 Literacy

Eight of the twelve women cannot read or write; only four are literate and have some form of primary education or are still in school. The literate/educated women are all between the ages 18 and 22, and all the illiterate women are 30 years or older. Interestingly, three of the literate young women define themselves as middle income, and the fourth define herself as wealthy. Likewise, all the four women who defined themselves as poor, are illiterate, suggesting a link between literacy and wealth in the form of livestock and farm land. I will return to the economic situation under affordability.

During the interviews, the illiterate women shared a common embarrassment about their status as uneducated, although they seem to bear no responsibility for this situation: They would excuse themselves, or apologize for their ignorance or lack of awareness. Quite a few made the connection between a lack of education and a lack of influence and participation, i.e. agency:

¹⁵ According to E. Rostami-Povey, women in Afghanistan have the right to own property, but in practice female land ownership is rare. Widows and female-headed household have recently gained limited rights to land (2007, p. 58).

¹⁶ 11 out of 12 women reported no contribution to the household income. But later on, information about income-generating activities such as selling off eggs and milk surfaced. Therefore, I have assumed there has been some misunderstanding during the translation of the question about income, as they do indeed contribute to the household income through these activities.

“I am uneducated. I was suggested to sit in the WASH committee, but I refused. I would have liked to take part in water management, but I cannot” (Chehrah, 50, mother of 10).¹⁷

These statements indicate the importance of education for women, and how it may open up new opportunities. I will return to this aspect in my analysis of the women’s agency.

7.2.3 Perceptions about community challenges

However, the interviewees’ major concerns and challenges in the communities straddle differences in economic status and literacy. While some women are more specific about the wants in their community, *all* the respondents from both villages, when asked about the general situation, emphasize poverty – defined as a lack of resources - or unemployment, or both: eight of the twelve women identify poverty as the major issue, ten out of twelve stress unemployment, and six women mention both poverty and unemployment. Interestingly, of the ten women mentioning unemployment, seven emphasize unemployment and/or no sustainable jobs for *women*. Just as interesting is the fact that when asked about the general situation in their community, not one of the respondents mention a single, positive fact, like for instance fellowship and solidarity in the *qawm*, or solidarity group, in their villages. This may of course have more to do with their expectations to what the researcher may be looking for in the interview situation, and less to do with perceptions of the situation in the village. On the other hand, it may actually be the respondents’ understanding that these severe challenges overshadow all other factors.

Many speak of too little water for irrigation of farm land, a lack of infrastructure and a general lack of development. Five women highlight that there are no schools for the children in the near vicinity, and five women emphasize the lack of electricity. The picture drawn of the communities’ situation and also future prospects is bleak indeed. As indicated, this is the impression of the situation in both villages.

However, when asked about their thoughts for the future, the women’s responses are very diverse, and there is a significant difference between the villages. In Kakrag the WASH village, one out of the six women mention flooding, which is a yearly menace, and a young woman of 20 years mentions her 4-hours daily trek to and from her “school”, which is a makeshift arrangement where unpaid volunteers teach informally, set up in the basement of a

¹⁷ In her translation, the facilitator usually referred to the respondents and their individual experiences in the third-person singular. Since it is natural to assume the respondents spoke in the first-person singular, I have used this form of the subject whenever quoting them directly. Moreover, to respect the privacy and security of the respondents, all their names are anonymized.

neighboring village mosque. An elderly woman, 60 years old, mentions her health problems as major concerns. Nobody, however, mention domestic water retrieval as a concern, and three out of six in Kakrag voice *no current personal hardships, concerns or fears*. One woman who considered herself poor speaks of the situation before the WASH project was implemented, expressing frustration about how “powerful women” – explained as women with many sons – would verbally abuse her and try to prevent her from accessing the river when the water was low:

“I used to be sad and angry. I am content now. There is no one to argue with me, no one to keep me from fetching water “(Chehrah, 50).¹⁸

In Dahane-Shalege the non-WASH village, the situation is very different, according to the respondents. All the women mention diarrhea and losing children to this disease as a constant worry. Many emphasize fears otherwise related to the water situation, such as the steep, long, and risky, even dangerous climb to and from the water source¹⁹. In case of water shortages due to a decrease in the water flow, they speak of unpleasanties and abuse, even physical violence, while lining up for water. As opposed to the three Kakrag women who voiced no current concerns, none of the Dahane-Shalege respondent expressed any form of satisfaction, rather the opposite. One woman complains about how her day is dominated by the water chore:

“Fetching water takes too much of my time. I am always tired. And I am very afraid to go to the water point. I don’t like arguments. It makes me ill, gives me a headache, and my stomach swells.” (Khaterah, 35).

Referring to arguing and fighting, even violence, when lining up for water by the river, is a common feature when the water runs low. I will refer to these aspects in the following paragraphs.

¹⁸ In her translation, the facilitator usually referred to the respondents and their individual experiences in the third-person singular. Assuming the respondents spoke in the first-person singular, I have used this form of the subject whenever quoting them directly. Moreover, to respect the privacy and security of the respondents, all their names are anonymized.

¹⁹ Aggregating the Dahane-Shalege women’s experiences, it seems some live high up in the mountain side, and need to carry the water from the river uphill. For others, the situation is the opposite: they live far down in the valley and must trek uphill to fetch water from its source. A common feature is the steep and dangerous trek or climb, up or down, with heavy water cans.

7.2.4 Water regime

7.2.4.1 *Practical water needs*

When asked about their households' water needs, all the respondents in both villages report they need water for domestic and personal purposes- for cooking, washing, cleaning and drinking. If owning livestock, i.e. sheep and cows, some report that they need water also for the animals, while others report that their animals roam freely, thereby seeing to their own water needs. In Kakrag, all the five women getting water from the communal pipe stand give evidence of easy access to clean and sufficient water for domestic use. Water for irrigation purposes, on which the community's subsistence farming depends, the families retrieve from the river. As indicated, water scarcity during the summers is common. However, subsistence farming, cash crops and irrigation are generally reported to be the men's domain in both villages. Only two of the respondents in Dahane-Shalege the non-WASH village, a widow and a woman whose husband was away working in a mine, reported they fetch water meant for irrigating crops in an orchard, and a vegetable garden, accordingly. These two women also considered themselves heads of household. Women assuming the role of head of household in the absence of able-bodied men in the family is a common feature, particularly in times of poverty and war, according to Dr. E. Rostami-Povey. With this role follows other responsibilities, such as decision-making powers (2007, p. 58). Naturally, in Kakrag and Dahane-Shalege, farming activities including watering seem to fall under these women's responsibilities as well.

Summing up, only the two women mentioned above explicitly mention water needs related to farming, i.e. subsistence and/or cash crops. Others indicate they practice hand irrigation. Finally, still some respondents report water needs for hand irrigation and livestock. The men are, according to the respondents, the ones responsible for farming and thereby also irrigation in the fields. Not surprisingly, all respondents report domestic and personal water needs. Thus, the women interviewees all perform the gendered task of fetching water for multipurpose water purposes. I will return to the gendered division of labor farther down.

7.2.4.2 Consumption, access and quality

7.2.4.2.1 *Kakrag*

As indicated, Kakrag villagers enjoy communal water for domestic purposes from 12 tap stands, fetching water in jerry cans holding from 6 to 16 liters. The respondents' water consumption vary between 50 and 200 liters per household per day. Several of the Kakrag interviewees praise the design of the water scheme, which aims at equalizing the walking

distance to the tap stand, in other words, creating near equal physical access. According to WASH program coordinator Mr. Tariq, the maximum distance from any household to the tap stand under WASH is 500 meters (personal communication, 15. September 2017). Four out of six women interviewed reported they walked 1-5 minutes to fetch water, sometimes several times a day. The fifth spends slightly more time, 5-10 minutes, and the sixth woman, Bita, spends almost an hour fetching water from a protected source constructed by a local NGO some years earlier, and recently improved under the WASH implementation.

The five women expressed satisfaction, gratitude and joy when speaking about their water situation, particularly when comparing it to the conditions before the WASH implementation:

“Before the water scheme, there used to be a lot of problems. I spent too much time fetching water, one and a half hours each time, and it kept me from going to school. Fetching water was always very tiresome. In the winter time, it was also very risky, very unsafe. Many times, in the darkness, I lost my way back; I had no torch. I was very afraid” (Fawzia, 20, no children).

However, Bita’s experience indicate that not everybody in Kakrag is equally content with the current water management regime:

“There is only one spring, and too many people. And the steep climb is just the same. I can hardly collect enough water” (Bita, 54, mother of five).

Bita explains that the water quality has improved greatly after the WASH implementation and does no longer pose any health hazard. But as indicated, for her, the hike to the water source is just as hard and time-consuming as before. There are other indications of not everybody being equally content with the new water situation.

“Those who have the tap stand close to their house, like me, are happy. Those who have a longer way are not so satisfied” (Elham, 56, no children).

Bita is the only woman interviewed in Kakrag expressing disappointment with a perceived lack of improvement in physical access to water after the implementation of the WASH program. The strenuous up-hill hike and the waiting in line has not changed. Although

the spring water now is clean and safe, this fact does not seem to make up for the disappointment regarding a lack of improvement in other respects.

Despite some women not thoroughly satisfied with the piped water scheme, it is my impression that water users such as Bitu represents an exception rather than major flaws in the implementation of the WASH programme. Conversely, it seems that the WASH implementation has been a watershed moment in Kakrag, even transformative in some ways. I will return to the transformative aspects farther down.

7.2.4.2.2 *Dahane-Shalege*

In Dahane-Shalege, on the other hand, with no piped water scheme implemented, the women's access to water is poor. The women interviewed spend between 30 minutes and almost five hours fetching water, perhaps many times a day. Furthermore, they reported consumptions between 40 and 200 liters of water per day per household. Naturally, these facts entail that the farther away the water source, the more time they spend fetching water, and the larger the consumption, the more frequently they must fetch water, spending even more time. Although some report that they collect water together with other women in the community and cooperate when necessary, all the women emphasize that they are *individually responsible* for their households' domestic water needs. This perception of responsibility relates to what I have labelled *the water norm*, the gendered norm defining domestic water as solely women's responsibility. I will return to the water norm farther down.

Fetching water is also a matter of pride; only in the cases of illness, severe aches and disabling pains do the respondents mention receiving help with the water tasks, in the sense that other people, i.e. young sons and/or neighboring women fetch water for them and bring it to their homes. Thus, there is normally no relief from their burden, which can be heavy and time-consuming indeed. Ghazal, 22, spends almost five hours each time she fetches water, and with a minimum household consumption of 100 liters a day, she must be spending almost all her waking hours fetching water for her household's daily use, according to my estimate.

"I spend a lot of time fetching water high up in the mountains. The climb is very steep and slippery, the slope is very high. The mountains are very big. I get dizzy while fetching water" (Ghazal, 22).

To a critical observer, the access to water for these women seem unsurmountable. Still, the long and arduous walk and climb is their only alternative, unless they fail their

responsibility of providing the life-necessity to their families. Moreover, for all the women, the time spent fetching water means that other desires will be impossible to prioritize, like going to school, or doing other work, or even rest. As indicated above, this has negative implications not only for the girls themselves, reducing their opportunities for education and alternative work, as well as their health, but for the economy of the community, the district, even the country as a whole. The plights and hardships of these women are invisible in the economy; their work does not show up in tax returns or other official documents or calculations, and the fruits of their labor is thus unaccounted for. Even so, they cannot stop performing the task, excruciating and time-consuming as it is, if they want to live. Because they have no alternative.

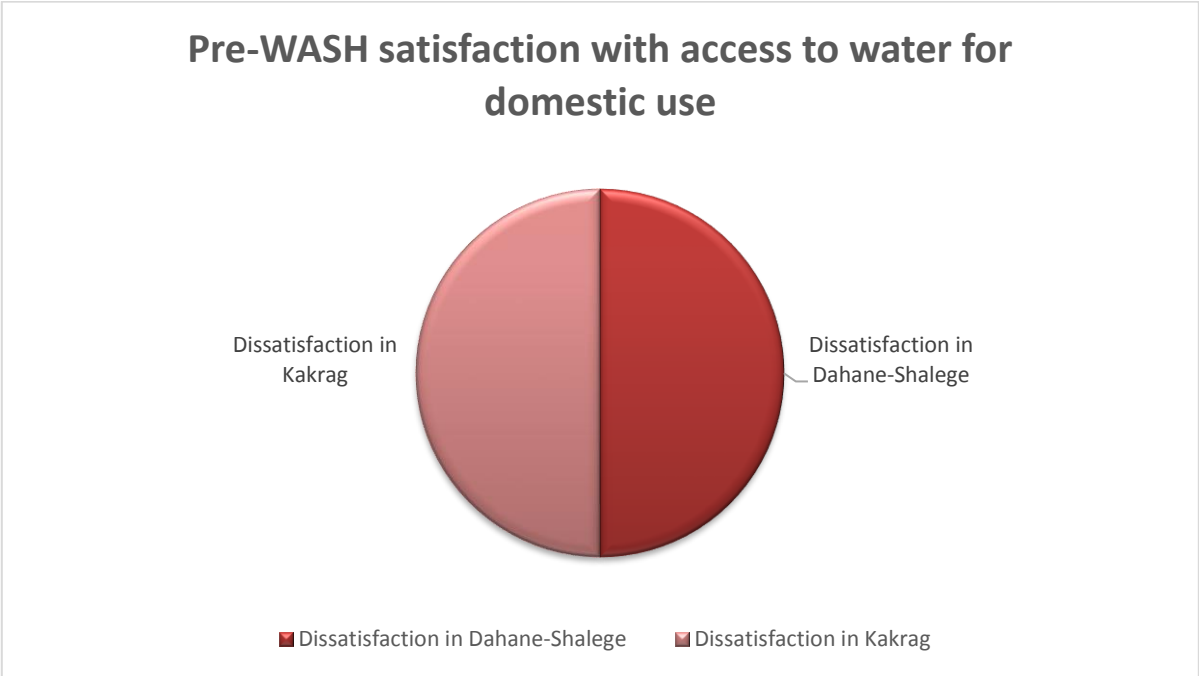


Figure 3: Pre-WASH satisfaction. All six interviewees in Dahane-Shalege were deeply dissatisfied with the water situation. Also, all the six interviewees in Kakrag narrated a similar story of drudgery and risks related to water.

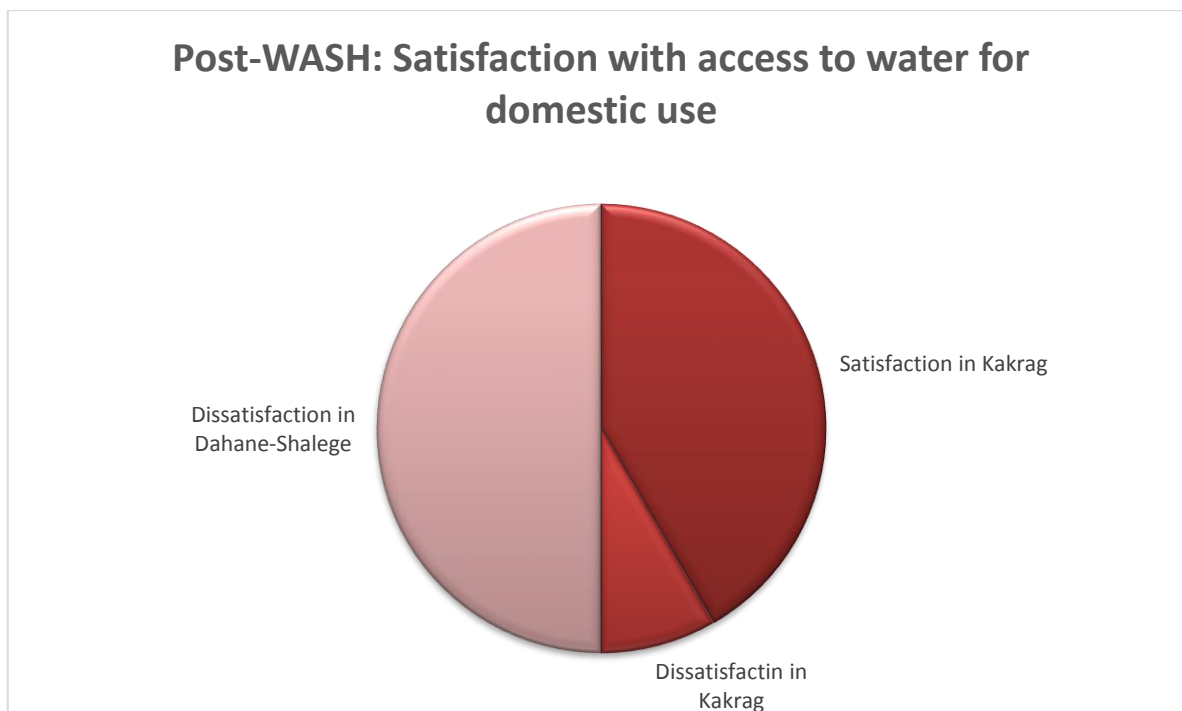


Figure 4: Post-WASH satisfaction. After the WASH implementation in Kakrag, 5 out of 6 women expressed great satisfaction with current access to safe water. In Dahane-Shalege, all the six women are frustrated with water access and quality.

7.2.5 Sufficiency

Water scarcity in the case of water for domestic purposes is no longer present after the WASH programme implementation, according to the respondents in Kakrag. There is no waiting in line by the tap stand; there is always sufficient and clean water. The Kakrag women generally express great satisfaction with the WASH piped water scheme.

For the Dahane-Shalege women, the situation is different, as indicated. The usual, grim situation is exacerbated when and if the water source, i.e. the river, runs completely dry, which is a common occurrence as indicated. In that event, the Dahane-Shalege women have no other option than to walk and climb to alternative water sources even farther away. According to the respondents in Dahane-Shalege, the women in other communities closer to these alternative water sources claim ownership to them and resist water retrieval from people (i.e. women) from communities farther away. Considering water is a vital but scarce commodity, the Dahane-Shalege women must ignore these conditions and expose themselves to additional hardships and longer hikes, as well as water competition: Fetching water from an alternative source is often accompanied by various forms of verbal abuse and unpleasantries.

“I have back pains, and when I fetch water, it gets worse. I do not have the strength to carry more than 6 liters at a time, and I do that several times a day; it is my responsibility. If the river is dry, instead of walking 1 hour, I must walk 3 hours. But there are powerful people there, richer women with irrigated farmland and many sons. Sometimes I go back with empty hands” (Leila, 60).

When asked about alternative activities, if she did not have to spend so much time fetching water, she reported she would have spent more time tending her animals. She explains that last year, she lost a cow falling off a cliff. More time would enable her to take better care of the animals, to prevent these kinds of accidents, among other. Leila’s situation illustrates that water scarcity has consequences not only for the women’s lives, in increasing both time and effort needed for water retrieval. Water scarcity also has implications for the welfare of the family’s animals and thereby also the families’ economy and prospects, as indicated above. The economy of water is interrelated with many other developmental aspects, as will be discussed farther down.

7.2.6 Health issues

Whether fetching water from the regular or the alternative source farther away, *all* the respondents in Dahane-Shalege stress the hardship, fear, difficulties and time-consuming character of the water-fetching task. *All* six of them also experience health problems, and all relate at least parts of these problems to fetching water, as does Leila, above. Still another woman speaks of rashes, for which she blames the contaminated water. Three other women speak of more diffuse aches and pains in backs, hips, and legs. Hakimah, who lives in a tent (or shed), and reported begging to be her main source of income, speaks of regularly fainting while fetching and carrying her water burden, a task that ordinarily takes 1.5 hours:

“The route to the river is very steep. I must carry the jerry cans up to my tent which is very far uphill from the river. It is very difficult. I fell from the cliff once, with the jerry cans. That is why I have a limp. I also faint during the hike back. And the water makes my daughter sick. Sometimes even I get sick” (Hakimah, 60).

As the quote above give evidence off, water and health is negatively correlated in (at least) two ways. The first correlation concerns water being a physically heavy burden. As one liter weighs 1 kilo, a 16-liter jerry can weighs more than 16 kilos. Falling from a cliff while carrying such a can, or even two, naturally may cause injuries that, unless treated, can become permanent, as is the case with Hakima’s limp, above. Moreover, according to the women’s

experiences, their pains and aches are the results of them constantly carrying water, at far distances on small tracks in a steep terrain. In some cases, other and perhaps older health problems and injuries are unable to heal, or are worsened due to the regular, elephantine burden. This is the case with Bita, the only woman interviewed in Kakrag not benefitting from the improved water situation:

“When I was a child, almost 50 years ago, I was shot in the hand and leg while running away from the soldiers, during the war. My hand got well, my leg did not. My leg is the problem. But because of the water fetching work, my other leg, which used to be good, is also bad now. But fetching water is my responsibility. If I did not do it, my eight-year-old daughter would have to do it. I want to spare her. There are other disabled women here in the community. They all fetch water. When you are a woman, you must fetch water” (Bita, 54, mother of 4).

However, the other major health issue stressed by the women is water-borne diseases, in particular diarrhea. For the lucky women in Kakrag, this is no longer an issue, as the water in the tap stands holds a superior quality and is regularly tested for hazardous micro-bacterial content, as mentioned above. But the respondents remember well the conditions, suffering and fears from not so long ago:

“Before WASH, we used a very unhealthy source. Animal and people would be using the same unprotected water source. The water was very dirty, and there was much illness due to diarrhea. Very high child mortality. I lost my child, my 14-year-old boy. He died in a matter of two days (cries)” (Chehrah, 50, mother of 10).

In Dahane-Shalege, on the other hand, where they use surface water collected from the open river, dirty water and unhealthy and hazardous conditions is not history, but reality. The respondents’ tales about the water quality and the health risks and dangers are many, and the children in particular are at risk. According to one respondent in Dahane-Shalege, deaths are very common, and occur once a year, roughly.

“There is lots of water right now, but it is unsafe, unhealthy. Many people poop near the river. Diarrhea among the small children is very common. A one-year-old child died last month. My greatest fear is to lose my own daughter” (Jawana, 21, mother of 1).

According to some respondents, the river “smells bad”. Jawana is one of several respondents in Dahane-Shalege speaking of community members practicing open

defecation²⁰. As there are no latrines in the community, the villagers make do with the options they have, like relieving themselves out in the open. There seems to be little or no knowledge and understanding among the local people on the importance of sanitation and hygienic practices. Hence, open defecation is a consequence, even close to or in the river, which in this manner is contaminated by harmful bacteria. When the villagers drink, wash, and cook (with insufficient heat), the harmful bacteria are transmitted from the contaminated water into their mouths, and in many cases, making them sick with diarrhea.

Other respondents mention carcasses of dead animals lying in the river, close to the point from where they fetch water. As some of the interviewees in both villages mention the loss of livestock to violent spring floods, these floods may be the probable cause of this phenomenon. Decomposing carcasses represent still another health hazard contributing to the risks of using untreated water for domestic purposes from the river in Dahane-Shalege.

The treatment of water, however, along with washing hands and other hygienic practices, familiar to the women in Kakrag, seems to be unknown features for most people in Dahane-Shalege, the non-WASH village. A few of the respondent say they did not quite understand the question, and another says she knows about water treatment, that if you boil the water it will kill the harmful germs. She adds that not many other community members know this. In any case, knowing about water treatment in theory is not equivalent to practicing it.

All the women in Dahane-Shalege complain about health problems such as back aches and pains, as mentioned. However, one respondent mentions explicitly that also she gets diarrhea at times. *All* the respondents speak about more diffuse problems and ailment, such as tiredness, fainting, feeling sick. It is not improbable that all these instances of tiredness, fainting and sickness also are related to the consumption of harmful bacteria and infections from the water source. If so, the detrimental consequences of water contaminated by carcasses and feces are not only a fundamental problem for the children, but for the adults as well.

From first-hand experience, the Dahane-Shalege villagers are victims of the danger the river water represents: Smelly and dirty river water, children sick with diarrhea, premature deaths. As bad as aches and pains are, these are not terminal diseases. Diarrhea and other water-borne diseases are lethal, causing illness and deaths among their children and perhaps

²⁰ Naturally, the women did not use phrases such as 'open defecation'. Their meaning was still very clear.

themselves. Water for the Dahane-Shalege women is a mixed blessing - water means life, but it also entails fear, suffering, and death.

Another aspect is the economic consequences. Illness and suffering in the scale reported by the Dahane-Shalege women constitute a severe impediment to the community's prosperity and development: chronically ill children, stunted children, and children who never reach adulthood represent an immense waste of human resources. These children should have grown up and contributed to their families' welfare and prosperity. As now, the development and economy of the community is thwarted by illnesses, premature deaths and grueling, time-consuming water-fetching work. The lack of health facilities in the village exacerbates the situation, as there is no doctor close by to consult once the illness strikes, as indicated.

7.2.7 Affordability

In both villages, the respondents reported water needs to be both domestic and productive, meaning the ones who have kitchen gardens or similar, also need water for growing food plants for the family's nutritional needs. This because there is no rain during the summer months, as mentioned. In Dahane-Shalege, there is no communal water service, and hence no water provider. The water, although some distance away, sometimes scarce, and of poor, even hazardous quality, is free of charge. The only institution regulating water use is customary law, which I will address in due course.

In Kakrag, however, the WASH Committee (WC) provides the water through communal pipe stands. It is clean, safe and available at a short distance for most if not all of the villagers. For this service they must pay a fee ranging between 20 to 50 Afghans (AFN) per household per month. There are no water meters installed; instead, the fee is differentiated according to the income of each household, with the poorer households paying the smaller amounts. The Kakrag WC is responsible for managing the system and determining the fee for each household, according to the respondents and the WASH programme coordinator, Mr. Tariq (Personal communication, 12. October 2017). The maximum amount of 50 AFN corresponds to roughly \$ 0,7. In comparison, the price of a 1.5-liter water bottle is about 32 AFN in Kabul markets, and one liter of milk roughly 78 AFN (NUMBEO, 2017). In this context, 50 AFN for a month of unmetered supply of clean water seems reasonable. According to the three women serving in the WC, the water itself is free. The fee is for provision and meant to cover expenses such as the maintenance of the pipe structure and storage facilities, testing and

treatment. This is in tune with the 2009 Water Law, cited above, which states that the water itself belongs to the public and is free of charge.

However, in a subsistence economy, which primarily relies on the growing of food plants to meet the needs of the families, and where cash crops come second hand, there is very little actual money circulating. Such is the situation in Kakrag - subsistence farming is the primary livelihood strategy, and money is generally hard to come by. Few of the women report that their families own irrigated land and therefore can produce cash crops like wheat and pulses, and only two mention male household members performing paid work. Only one of the six women interviewed in Kakrag reports that she contributes to the income of the household as a farm laborer – but she was a widow, with no husband to share expenses with.

Considering that two of the Kakrag respondents defined themselves as poor, and only one defined herself as wealthy, I anticipated this would be a thorny issue, especially for the women of modest means, even with a fee differentiated according to income. However, five of the six Kakrag women interviewed emphasized the positive effects of having clean and safe water readily accessible, and did not seem to mind the fee, on the contrary. The farm laborer who defined herself as poor and had her water fetching time reduced from one hour to a few minutes, put it like this:

“Four families use the tap stand closest to me, 60 people. There is no waiting in line. Everyone is happy. It is difficult to procure the money for the fee, but I pay it gladly; I am so grateful for the water scheme. If I have no money, I will not pay. But it has not happened yet” (Elham, 56, no children).

When asked how they finance the water fee, the answers vary. The middle-income women owning livestock and/or irrigated farm land refer to revenue from selling dairy products, chickens and eggs, even livestock, and/or agricultural products like dried fruits. Two reported to have male household members contributing to the income through remittances from paid work in a mine and a motorcycle workshop, accordingly.

Dissatisfaction with the water fee correlate negatively with socio-economic status in the study. Both the two women who define themselves as poor think the water fee is costly, but say they appreciate the easy access to clean and sufficient water so much that there is no reason to complain. One of them also serves in the WC:

“I advise other women on how to keep the tap stands clean, and emphasize the importance of paying the monthly fees and protect the water structure, and how to use the tap correctly. But there are sometimes problems collecting the water fees due to the women’s financial situation” (Afarin, 42, mother of 4).

This last statement, as well as Elham’s statement above and Bitá’s below are indications that the financing of the water fee is a problem for some water users in Kakrag. But there are also signs that many prioritize the water fee over other costs. Given the nature of the study and the small number of respondents, it is unfortunately not possible to assess the situation more accurately.

As mentioned, only one woman, Bitá, interviewed in Kakrag had not experienced any improvement in her physical access to water after the introduction of the WASH programme. She was also the only one dissatisfied with the water fee.

“Paying the water fee is difficult. I can hardly collect enough money” (Bitá, 54, mother of 5).

Considering herself middle-income, she still finds it hard to procure the cash for the provision of clean and safe water, and thinks the fee as too expensive for her means. Moreover, she did not make the expressed link between safe, potable water on one hand, and the water fee on the other hand, as did the other respondents in Kakrag. Her negative opinion of the fee despite greatly improved water quality suggests her dissatisfaction is directly related to no reduction in time spent fetching water since the WASH implementation. Despite a greatly improved water quality, she feels the water fee is too expensive - but must pay it nevertheless.

Conclusively, regardless of socio-economic status, five of the six respondents in Kakrag approve of the water fee in varying degrees, as they recognize the connection between the fee and easy access to clean and safe water. They consider the fee worth while, although some find it difficult to find the money. The sixth respondent disapproves of the fee, finds it hard to procure the money to pay for it, and has not benefitted from the WASH programme regarding physical access to the water source. According to the respondent who serves on the WC, quoted above, there are others who think the fee is beyond their means. Thus, for some, it seems the fee, although slight, makes the water too expensive - unaffordable.

7.2.8 Discrimination

One of the topics this thesis aims to investigate is discrimination and the forms it may take, and which factors, if any, are decisive in the matter. Considering the respondents' narratives related to water, I have extracted two very different forms of discrimination: women discriminating other women, and women being discriminated by men. Both these forms of discrimination are embedded in customary law, i.e. norms and cultural traditions in rural Afghanistan. I also discovered what I deem is a striking paradox among the respondents in the Kakrag village.

7.2.9 Intersectional discrimination

A norm regulating behavior in water matters is the practice of abuse and even violence the respondents are exposed to, when fetching water from alternative water sources. The norm allows women living closer to these alternative sources a kind of entitlement, enabling them to prevent women from other communities to fetch water from what they view as *their* water.

“These other women will say to me: ‘Go back to your village, fetch water there’”
(Afarin, 42, mother of 4).

The women interviewed in Kakrag speak of arguments and violence related to water as customary when water is scarce, before the WASH programme was implemented, as does Chehrah, quoted above.

“Currently, there is no water discrimination. Before, yes. This one woman, I had to fight with her. She would not allow me to fetch water from the river on their property. But it is public land, even though it is close to someone's house. These are powerful people; they grabbed the land, and the river. They controlled the community. This was during Taliban. It has been peaceful, secure, since the local police came and collected their guns” (Elham, 56, no children).

However, all the women interviewed in Kakrag emphasize that they no longer face abuse or discrimination when fetching water for domestic purposes.²¹

In Dahane-Shalege, on the other hand, the women are facing a situation similar to Kakrag before the WASH implementation. When accessing water from the alternative source during

²¹ The situation seems to be not quite as rosy concerning water for irrigation. However, irrigation and agriculture in general is viewed as the men's domain, and the women are not much involved, according to themselves. As the situation regarding water for irrigation is rather complex, and the data are few and inconsistent, I have chosen not to focus on this topic.

scarcity, they may encounter verbal abuse and even violence from the women claiming entitlement to their water source. However, some of the women interviewed in Dahane-Shalege speak of “powerful people”, women preventing or trying to prevent them from accessing water. This situation can happen by the local river as well as the alternative water source they resort to when their own river is dry. The common denominator is water scarcity, as indicated. The “power” the respondents ascribe to these women consists of wealth, i.e. irrigated farm land, a husband and many adult sons. Wealth and many males in the family empower these women in such a manner that they can prevent other women from accessing water, through verbal abuse and even physical fighting. One of the women even talked about arguments over water escalating, involving also the husbands. The men’s involvement in water matters would result in quarreling and fist fights between them, even incidents of gun violence and murder. The respondent stresses that these events happened more than 10 years ago.

Interestingly, the tales of powerful women preventing other women from accessing water belong to the three women in the village who are marginalized at the outset: Khaterah who is middle-income, but a widow; Leila who defines herself as poor, and has a disabled husband; and Hakimah, who left her violent husband, lives in a shed with her mentally unstable daughter and provides for them both through begging. Two of them are old, all three are illiterate, neither own irrigated farm land, and none have grown sons who can protect their interests.

“My neighbors are good people; the women help me fetch water sometimes. But most other people try to prevent me from fetching water. If they do, I fight them, beat them. There are other divorced women facing the same problem. Divorced or widowed, they have much more difficulty getting water; they all face the same discrimination. Rich people have more access to water” (Hakimah, 60, mother of 2).

According to Khaterah, the problem in Dahane-Shalege is a shortage of water for irrigation. Hence, the women whose families own irrigated farm land chase away women fetching water for domestic purposes, because the former need the water for their families’ fields and believe they have an exclusive right to it.

“Most poor people face the same kind of challenges accessing water when the river is low” (Khaterah, 35, mother of 3).

When asked specifically about discrimination, two of the other Dahane-Shalege women interviewed considers access to water in the village equal. They are both young, and literate. Another, illiterate, does not have an opinion on discrimination, but says she collects water for her fruit trees, eve when the water is scarce. This is a practice which angers her neighboring women, who cease to water their trees and plants when the river runs low, and collect water only for domestic purposes.

As the proverb goes - *the horses bite when the crib is empty*: as long as there is sufficient water, there is no competition among the women in Dahane-Shalege. They are friendly with each other and share water, and access is equal. However, when water is scarce, regardless of source, there seems to be a substantial change in the way the women relate to each other by the water source: There is severe competition for water, followed by arguments and abuse. Physical violence occurs when women who possess some form of power prevent or try to prevent other women from accessing water. The women who report this form of discrimination from other women are vulnerable and marginalized in some way, either through their civilian status as divorcees or widows, or through their low socio-economic status - or both. These practices from “powerful women” are thus instances of intersectional discrimination regarding access to water, based on the factors economic class and status. In the case of the women interviewed in Dahane-Shalege, Khaterah, Hakimah and Leila find themselves at the bottom of the water hierarchy, for no fault of their own. They try their best to negotiate the situation, sometimes coming home empty-handed, like Leila, and sometimes fighting for her right to water with her fists, like Hakimah. But even so, these marginalized women show little or no agency in negotiating their access to water, an aspect I will discuss farther down.

7.2.10 Gendered discrimination

7.2.10.1 *The water norm*

Listening to the Dahane-Shalege women’s tales of long, heavy and tiresome water work, the first question that springs to mind is: Why must the half of the population generally equipped with weaker muscles do the grueling work, when the other half of the population, usually taller and stronger, through customary law is exempt from performing these tasks?

All the women in both villages stress that according to customary law, all matters related to domestic water are women’s responsibilities. It follows that men are not required to fetch water. When their wives and daughters are incapacitated by illness, childbirth and the like, the

men in the community leave it to the females to sort out the problem. In these cases, the respondents report that neighboring women provide water for them, as *quam* solidarity. One of the respondents mentions that her husband would fetch water in the case of her incapacitation, but this is highly unusual. Another exception is young unmarried sons, whom some women report will assist them if necessary. The presumption is that since these are young unmarried men still living at home, their mothers and older sisters still have some authority and are able to demand assistance with the water tasks in the household.

However, a gendered division of labor goes both ways. According to the respondents, the men see it as their responsibility to provide food for the family.

“My husband says: ‘If I fetch water for you, you will have water. But you will not have food for dinner.’” (Chehrah, 50, mother of 10)

Chehrah’s husband here spells out the consequences of not abiding by the rule: he is too busy to work in the fields *and* fetch water to the household. If he fetches water, the farm work will suffer, and they will starve. The assumption is that he does not question the norm, but abides by it and expects his wife to do the same. And as the gendered water norm is ingrained among the dominant group in the strongly patriarchic society, namely men, status quo is maintained.

On the other hand, the women are not expected to perform much work in the fields and other activities related to farming. The exceptions are widows and women with husbands who either are absent or disabled and therefore unable to perform farm-related work. The norm regulates a gendered water-related behavior in both villages, and impose an unequal societal order. Adhering to the norm entails hardships, constraints and suffering on the women, simply because of their sex.

“Rules are rules. Everybody must follow them. It is shameful for men to carry water”
(Jawana, 21, mother of 1).

Thus, the women have no choice but to comply, stressing water as their responsibility, all the while knowing the heavy work is damaging to their health and keeps them from doing other tasks, like educating themselves. In this manner, customary law imposes a gendered behavior regardless of the nature of work to be done, the amount of work, and which group, if any, would be best equipped to perform the work. The effects of the norm are particularly

menacing for the women from Dahane-Shalege, who do not have a piped water scheme and easy access to safe water in the community.

7.2.10.2 *Sanctions and disagreement*

All societal norms involve sanctions if one behaves differently than the prescribed behavior, so also with the norm regulating the gendered distribution of water-related work. The respondents do not express any wish to refuse, but stress the compulsory aspect in the norm: they have no choice but to fetch water. Hence, perceptions of possible consequences if they failed to perform the water work, i.e. sanctions, was non-existent. Rather, they spoke of what would happen if a *man* would behave not according to expectations. Grown males carrying water for the household, is a violation of the norm and considered “a shameful act”. Many women emphasize this aspect, as does Jawana, cited above. But referring to the norm, including the perception that men in some way will lose face if seen fetching water for his household, does not necessarily entail acquiescence. One of the young women in Dahane-Shalege voices this aspect explicitly:

“It is shameful for men to carry water. Men think so. Women don’t” (Ghazal, 22, no children).

When asked about their own opinion of the norm, the answers are surprising: 7 out of 12 interviewees *strongly disagree* with the norm, thinking it highly unjust. As a woman from Dahane-Shalege the non-WASH village says it:

“It is not a good rule. The work load must be distributed equally (Jawana, 21, mother of 1).

Jawana is concerned with equality and equity. Another woman from Kakrag the WASH village stresses why she finds the norm unreasonable:

“Men are stronger; they should participate in fetching water. This is an issue much discussed in the community. Mostly, my friends agree with me. We want the men to help us with fetching water. But all the men refuse, say they are busy with farming. But I can help out with the irrigation work. And they would have had the time; they are not really that busy. They make excuses; they are not genuine” (Chehrah, 50, mother of 10).

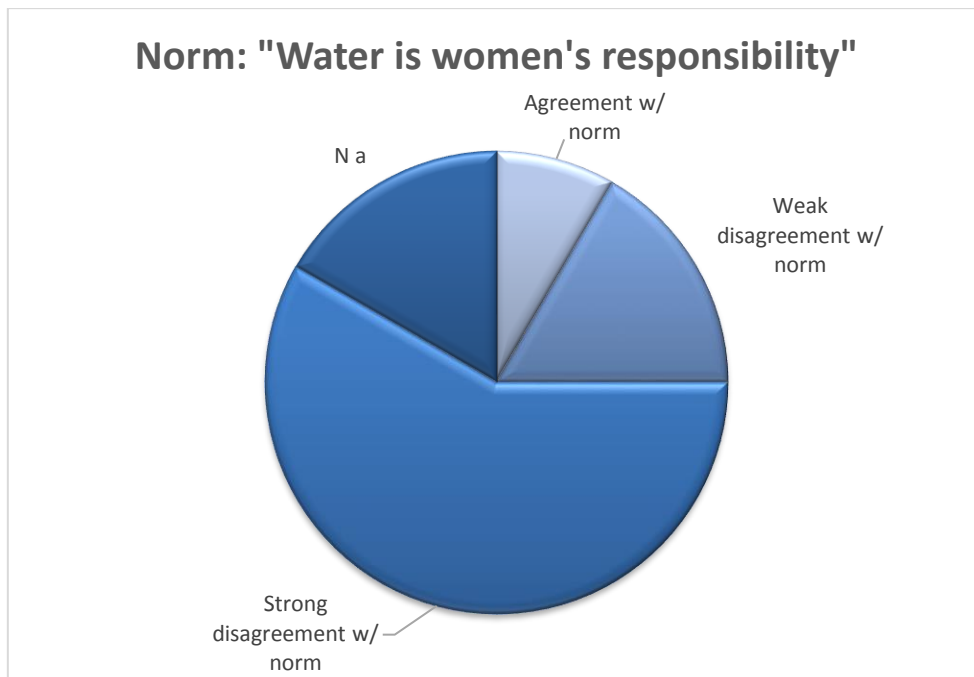


Figure 5: Disagreement with the water norm. As a total, nine women out of twelve expressed strong or partial/weak disagreement with water being women's responsibility. Only one woman expressed uncritical compliance with the norm.

The women who disagree about the water norm are clear on the gendered division of labor it prescribes, and the unreasonable work load this division entails, and the norm is a topic of discussion. Chehrah cited above also voices a lack of credibility in the men's persistent unwillingness to assist the women carry water, and signals a willingness to do her part in equalizing the work load. One other woman supports this position and would like to participate with the farm work. Unfortunately, the data do not support any further analysis into this aspect; neither is it the focus of this thesis.

Two other women in Dahane-Shalege neither question the norm nor express any thoughts about inequity, rather they abide by the norm without further ado. But when asked to imagine a man carrying water, their answers are contradictory to their uncritical stance towards the norm: They would greatly appreciate a man performing domestic water tasks.

"I would be very happy if I saw man fetching water. I would encourage him to carry water more often" (Leila, 60, mother of 2).

"If I saw a man fetching water, I would get impressed by that man's kindness" (Hakimah, 56, mother of 2).

In other words, these two Dahane-Shalege women see the norm as a present reality, a tradition over which they have no influence. But when speaking of the ‘shamefulness’ of men carrying water to their households, they simply refer to the existence of the perception of shamefulness itself, and the sanctions that would likely hit these men from other men in the community. But it is a view they themselves do not share. In other words, they do not question the norm; they comply with it, but they see the unreasonable effects, the inequity implicit in the norm. This inequity applies to the extraordinary burden of women’s gendered water work, as well as the gendered representation of men fetching water as a ‘shameful act’. In this way, and through these seemingly contradicting answers, they do not truly agree with the norm. I have labelled this position ‘weak disagreement’ with the norm, to separate it from the ‘strong disagreement’ voiced by other women mentioned earlier:

“I completely disagree with the norm. Women must carry water because we have more time, supposedly. If I were the manager of the WASH Committee, I would make it compulsory for men to carry water” (Chehrah, 50, mother of 10).

All in all, nine out of twelve interviewees disagree with the norm to some extent. These findings suggest that ‘the shamefulness’ component of the norm is the dominant view in both villages, but primarily among the men. Among most of the women, the norm has little credibility, but the women do not have the power to challenge it for real. However, some of the women show considerable agency in the form of actively trying to revise the norm, or even replace it with a more flexible and equitable one, as seen in the quotes by Donya and Chehrah, above. I will discuss the aspect farther down.

7.2.10.3 *The paradox*

Still another aspect related to the water norm is a paradox: When asked specifically, the respondents from Dahane-Shalege point at discrimination by other *women* with more power during water scarcity, as discussed above. No other form of discrimination is mentioned. Similarly, the Kakrag respondents consider discrimination by other, powerful women a bygone phenomenon, after the WASH implementation. This is interesting, because the men’s general unwillingness to assist with water retrieval, even when their women are incapacitated, indicate a profound lack of equality concerning the issue of domestic water. Most men in both villages do not seem to relate to that fetching water is a gendered burden which the women in most cases find fundamentally unfair, and in Dahane-Shalege, certainly unhealthy and even

dangerous, and therefore unreasonable. The topical discussions within the communities and the women's apparent lack of success in revising or scrapping the water norm suggest a male consensus on the norm not being an issue worth consideration. In other words, the women in both villages experience what I would interpret as gendered marginalization and discrimination by the males in their community – and they do not quite recognize it as such.

Considering Afghanistan society is generally saturated with patriarchal ideas and conceptions, as indicated, this aspect is not very surprising. Still, the men's lack of involvement on behalf of the women in their families is palpable. According to NCA Afghanistan's WASH program coordinator, Mr. Ghulam Tariq, men's lack of involvement regarding the procurement of domestic water is related to the same gendered division of labor regulating women's water work load: In the Hazarajat culture, men are generally concerned with providing for their families, whether through farm labor or paid work, sometimes in employment far away from their families. As domestic water, care for children and cooking are women's responsibilities, so is food provision and paying the bills men's responsibilities. Their gendered role as bread-winners and the eventual inability to provide for their families is hence a matter of pride, and to risk their reputation by taking on further work that may inhibit their ability to meet their responsibilities is to be avoided, according to Mr. Tariq.

This interpretation corresponds with the women interviewees' accounts of men fetching water as a "shameful" act. There is however, some striking differences: according to the respondents, it is the *men* who view male fetching domestic water as a shameful act; the women do not, as indicated. On the contrary, some of the respondents express a willingness to taking part in farming activities if receiving assistance with water retrieval in return. Furthermore, the lack of paid jobs for women were highlighted by the respondents as one of the most essential challenges in the communities.

Concludingly, there is mismatch between the men's and the women's perception of cultural responsibilities regarding labor. My interpretation of the findings suggest that the men are concerned with their pride as breadwinners, and not particularly interested in any changes in the gendered division of labor. Protecting their male privileges may also be a part of it – fetching water is hard and time-consuming work if no piped water supply. The women, on the other hand, see the gendered division of labor as constraining and are open for equalizing the distribution of labor between men and women, a sharing of the work load, instead of men doing this kind of work and the women doing other kinds of work. However,

whether this phenomenon are examples of male power and privilege, or lack of awareness, or both, or the fault of exclusive or non-existing institutions, or still other factors, is difficult to assess, due to the scope and nature of my study. But these differences in the perception of the gendered division of labor is an issue clearly in the need of more research.

7.2.11 Participation and agency

7.2.11.1 Dahane-Shalege

Regarding participation, there is a fundamental and striking difference between the women in Kakrag and the women in Dahane-Shalege. In the latter, there is no structure, no institution allowing and facilitating women's participation in water management. According to the interviewees here, there is no village leader, no *shura* (i.e. peace council), not even a water master, a *mirab*. The lack of local leadership in all areas is palpable. The only institution which to some degree regulates water matters in the community is customary law, which among other ascribe dissimilar roles to women and men: women are responsible for domestic water, men for irrigation water. There are indications of disputes over irrigation water in the area, just as there is competition, arguments and discriminating practices related to water among the women when the water is scarce, whatever source. But the data do not contain any information on how these disputes regarding irrigation are solved - if they are solved. But as indicated, there is no possibility for the women -or the men, it seems - to participate in formal water management, as there is no Water User Association or established Water Board. As the WASH programme is not implemented in Dahane-Shalege, naturally there is no Wash Committee. In other words, there are no indications that formal water management exists in this community.

When asked, five out of 6 respondents in Dahane-Shalege express ambitions and desire to participate in water management, and they are aware of their current practical as well as long term strategic water needs. One respondent does not explicitly express an ambition to participate, but voices deep concern and dissatisfaction with her situation and lack of influence, and says she feels marginalized. Many of the women are also familiar with and refer to the WASH program implemented in a neighboring village, possibly Kakrag. They also display confidence in water-related matters:

“If I had power on my hands, I would contract pipe schemes, protect all water sources, and do all the activities carried out by the NGO in the other village. I would want

to serve on a WASH Committee. I understand the needs of my people very well” (Jawana, 21, mother of 1).

The women interviewed here are as discussed earlier deeply frustrated about the poor water quality and the long, tiresome hike to the water sources. They are equally dismayed and demoralized about their lack of influence in water matters.

“I want to be influential. But I have never got the opportunity to show my skills, or have influence” (Monira, 30, mother of 3).

The words of Monira sum up the situation in Dahane-Shalege well. Since there neither are formal nor informal governance structures – in water management as well as other matters - in which to participate and influence outcome, there is equally little if any opportunity for agency for the women.

7.2.11.2 Kakrag

In Kakrag, the situation is quite the opposite from Dahane-Shalege: a piped water scheme and a WASH Committee (WC) with the equal representation of four men and four women is implemented through United Nations WASH programme, where before WASH there was no such institution at all. As responsible for implementing the prestigious UN programme in Afghanistan, the NGOs - the Norwegian Church Aid (NCA) and their local implementing partners - have committed themselves to adhere to international human rights standards in their planning and implementation. Accountability, transparency, gender equality and participation are thus essential values and guiding principles for these NGOs (NCA, 2016). Therefore, empowering and including women are integral parts of the open process leading up to the establishment of a civil structure responsible for the piped water scheme, the village WC. According to NCA, longer-term functional water infrastructures are more successful if all members in a community participate in decision-making (2016). Hence, international human rights standards as well as practical considerations for the success and manageability of the WASH Programme make up the principles behind the inclusion of women, both concerning the process and the composition of the WC. In Kakrag, the inclusion of women in the planning process and the WC is a demand presented by the NGOs at the outset.

According to the deputy manager and responsible for the WC’s finances, Donya, three out of the four women in the WC are in their twenties and educated, and only the fourth one is illiterate. She is confident and clear on her ambitions:

“I work hard to improve my skills and competence. I want to become manager of the WC one day, but I am too young; I still have a long way to go. But I want more women to be active. The WASH committee is a good platform for participation” (Donya, 18, no children).

The majority of the women interviewed in Kakrag are satisfied with their participation in the management of water, informally as well as formally. Serving on the WC, three of the women interviewed here has formal influence and participate in decision-making in the management of water.

“There are eight people in the WASH Committee, four women and four men. People listen to both the men and women members, although the men are more involved in the technical matters. I was elected onto the committee because I am educated. The local manager of the committee, who is my father, encourages the young people to participate. I am inspired by him, and I like the work in the committee very much.” (Fawzia, 20, no children).

Fawzia’s statement is an indication of the importance of education as a means of empowerment and agency. This factor is stressed by other respondents as well, and viewed as decisive in the open election for serving in the WC. Moreover, the quote suggests that gender equality as principle has permeated the Kakrag community; men as well as women show signs of a new gender-awareness:

“We are only two people in the household. Before, if I was ill, he would fetch water, but he did not like it. Now, he is OK with it” (Elham, 56, no children).

These quotes by Fawzia and Elham suggest that men’s attitude towards women and what they can accomplish has changed since the implementation of the WASH program. When asked directly, one respondent is clear on the importance of an inclusive process in the implementation of water management:

“There was an open election for serving on the WASH committee. Everyone voiced their opinion. Through the process, the NGO encouraged gender mainstreaming and women’s participation. If they had done otherwise, there would have been very few women in the WASH Committee. Or none” (Ghazal, 42, mother of four).

Ghazal's and Elham's statements, referring to what I interpret as gender-unequal practices in Kakrag before WASH, are further indications of positive changes in attitude towards women in the village.

There are indications that serving on the WC is an attractive position for the ambitious:

“Nobody voted for my candidacy. They said I was uneducated, and too busy with household chores [...]. I have always had difficulties letting my voice be heard. But I persuaded my women neighbors to support my suggestion for the final location of one tap stand very close to our houses. I told them that this location was good because of the inclination and easy access. And the committee decided on it. So, my voice was heard” (Elham, 56, no children).

Hence, although not elected onto the WC, Elham reports she still had influence in a decisive water-related matter. Her statements support the impression of a structured and open election process where emphasis has been on including also marginalized voices, such as illiterate women. And despite no success in the election, a marginalized woman such as Elham can still have some influence. Moreover, this opportunity to “letting her voice be heard” was not present before the implementation of the WASH programme.

In Kakrag, there are clear indications that the UN WASH programme, its process and implementation as performed by the NGOs have succeeded in creating a transparent civil structure – the WASH committee – as well as a new institution, i.e. new norms of gender equality and equal and equitable participation in water management. These factors have been crucial in empowering earlier marginalized voices such as women. Moreover, there are indications that intersectional discrimination and exclusion have been avoided as well, as one illiterate and poor woman currently serves on the WC, and that previously marginalized voices have informal influence on water management outside the WC. The satisfaction with service and influence as expressed by the three female WC members is an indication of women's participation as real and genuine. It is my impression that genuine influence through participation on the WC goes far beyond the mere counting of seats set aside for women or elected females representatives in political representation.

Although there are signs of Kakrag having gone through a transformative change regarding gender equality and female participation in the WC, the situation still needs improvement. A reminder here is the women's perceptions of the villages' widespread poverty and lack of development. Another is Donya's call for women being more active in

water management, cited above. But to be able to participate, women (and men) need not only easy access to clean water, but schools, roads, electricity and income-generating jobs. It is impossible to genuinely participate on an empty stomach, or if you cannot read.

7.2.12 Agency

Also regarding agency there are striking differences between Kakrag and Dahane-Shalege. As discussed, the WASH programme has provided Kakrag with a gender-equal permanent civil structure for the management of water and sanitation. In Dahane-Shalege, on the other hand, there is no such structure or other discernible water management.

7.2.13 Factors contributing to agency

Asked about crucial factors in gaining respect and influence, *education* was emphasized, directly or indirectly, by all the women interviewed in Kakrag, literate and illiterate alike. For instance, Elham, 56, wants to learn to read and write, as she experiences illiteracy as a shortcoming and a hindrance to reaching her goals – like serving on the WC. Other factors mentioned are outspokenness and activity/initiative, factors that one may improve on by one's own efforts. Still other factors recognized are more difficult to come by, like irrigated farm land.

Equally important is the new institution created through the NCA-Afg's initiated procedures of empowerment and awareness, the transparent election process, and the civil structure of the WASH Committee itself. Mainstreaming gender equality and equal participation, this institution seems to have transformed the Kakrag community and created a new *opportunity for agency*. Within this institution, the women interviewed seem to have found new freedoms and fewer constraints than in the previous institution of customary law that existed before the WASH program implementation.

7.2.14 Indications of agency - Kakrag

The interpretations of the Kakrag data witness that the women here possess a large degree of agency. Three of them serve as members in the WC, exerting decisive influence. Another woman, Elham, speaks of running for office, but failing; her decision is a sign of agency. She attributes her failure to become a member of the WC to factors like illiteracy and a lack of time and energy. These are objective factors that according to her were crucial for the electorate in their assessments of the candidates' various suitability for office.

Elham furthermore speaks about influence through an open, formal process when deciding in the location of the water pipe tap stand. Failing the WC election, she found another strategy

through which she could influence an aspect of water management directly related to her and her close neighborhood. I interpret these as straightforward signs of agency.

Another respondent was suggested to run for office in the WC but declined. But she also found an alternative road to exerting influence:

“I would be interested in water management, but I felt I could not serve on the WASH Committee, as I had no education, and my health is not so good. Instead I encouraged my daughter-in-law to run for office. She is now serving on the committee” (Chehrah, 50, mother of 10).

Illiterate and of poor health, Chehrah does not consider herself a victim of circumstances. Rather she is active and displays an ability in negotiating her situation, and compensates own weaknesses with exerting influence over her daughter-in-law’s WC candidacy. These actions are indications of activity, creativity and initiative - straightforward signs of agency. Tentatively, I may add the daughter-in-law’s decision to run for office is still another sign of agency and opportunity for agency.

Fawzia also displays agency in her efforts to continue her education, spending four hours every day just walking to and from her makeshift school:

“I can study after dark using an electric lamp, because my family has a dynamo in the river. But when the water is low, there is no electricity. So, I study using candles. And if I have no candles, I go outside and study in the moonlight” (Fawzia, 20, no children).

Through her initiative and ingenuity, Fawzia exercises considerable agency. Fawzia’s accomplishments are also an indication of *opportunity for agency* in Kakrag.

Another interpretation of agency is the degree to which the interviewees are satisfied with their influence. *All* the six respondents in Kakrag say that they have influence among both men and women, who may respect and listen to them and take their advice. Chehrah also emphasizes the new opportunity for agency in the community:

“Yes, I have influence with both women and men. But before, I was this powerless, uneducated woman” (Chehrah, 50, mother of 10).

Here, education is indirectly emphasized as a factor contributing to agency, but another aspect is just as interesting: Chehrah considers she has influence – which I view as a

sign of agency – *despite* being illiterate. She also compares her situation today with the situation before the WASH program implementation: the word ‘powerless’, literally ‘without power’, speaks volumes of how the situation regarding agency is experienced for women such as Chehrah, before the WASH program; her wording suggests she now experiences herself as having agency, as *powerful*.

7.2.15 Indications of poor agency in Kakrag

The only woman interviewed in Kakrag who speaks of herself in such a way that agency seems poor is Bita, the woman for whom the WASH programme has failed to decrease the walking distance to the water source. She is illiterate and partly disabled:

“I would have been interested in taking part in water management. But I feel completely helpless. Due to my health condition, I cannot do much for the community”
(Bita, 54, mother of 5).

Bita’s statement, particularly the word “helpless” indicate poor agency, and suggests that the WASH water management institution and the opportunity for agency it has created is not experienced equally by all the women in Kakrag.

7.2.16 Agency in Dahane-Shalege

Contrary to the frequent displays of agency among the interviewees in Kakrag is the situation for the respondents in Dahane-Shalege. The word “helpless” is telling also of these women’s perceptions of the ability to influence the (non-existent) water management in their community. When asked how they perceive their situation related to water, *all* the six women interviewed in Dahane-Shalege express inability to make a difference and improve their situation.

“I have nothing. Nobody listens to me. I feel helpless” (Hakimah, 60, mother of 2).

All the six respondents in Dahane-Shalege express a strong wish to make a change in the village’s dismal water situation, but “helpless” is the word used by many of the women when describing their situation. Many of them speak of an inability to change the status quo, and negative reactions when trying to address their water concerns.

“If I discuss the water custom with others, they mock me, laugh at me. So, I remain silent. I am not influential, but helpless. [More] education would help, but with all the time fetching water, there is no time for studying” (Jawana, 21, mother of 1).

“The water situation has always been like this. I share my concerns with the community, but all are helpless. We cannot do anything. I am stuck; I have no-where to hide, no-where to run” (Ghazal, 22, no children).

Leila defines herself as poor, and her health is failing as well. She explains how she tried to get some attention to the fact that other women prevented her from collecting water because of her poverty, which she correctly viewed as a discriminating practice.

“I have tried several times to complain about the discrimination that I face [while lining up for water]. But the issue was never solved. Nobody ever listens” (Leila, 60, mother of 2).

But even if she were healthy and of middle income, there is no indication that her situation would have been more favorable, because all the other respondents in Dahane-Shalege narrate a similar feeling of despair, of marginalization. Moreover, there simply is no forum, i.e. no water committee, no *shura*, no village leader, government official, ombudsman, nor any other civil structure present in the village who could have listened to her grievances and addressed her concerns, no institution which could have equalized the situation for poor and disabled people like Leila. As mentioned, Dahane-Shalege is part of a cluster CDC, but Leila’s perception of an invisible village leadership and her own marginalization suggests either the CDC’s poor functioning, or a lack of information and awareness about the cluster CDC, or both.

As discussed, the water in Dahane-Shalege is unsafe, unreliable, hard to get at and sometimes completely inaccessible. The women interviewed are exposed to verbal abuse, even violence, and discriminated against when trying to fetch water from alternative sources, and even this water is scarce and unsafe. Their practical water needs are genuine, as are their grievances. The Dahane-Shalege respondents’ perceptions of helplessness and lack of influence are palpable and a cross-cutting issue. These perceptions suggest that the women have tried every conceivable way of improving their dreary water-related situation – and

failed. The constraints facing the women in water matters have proved unsurmountable, and the women have run out of alternatives, as indicated by Ghazal’s utterance, above. In Dahane-Shalege, there is no opportunity for agency, and no agency.

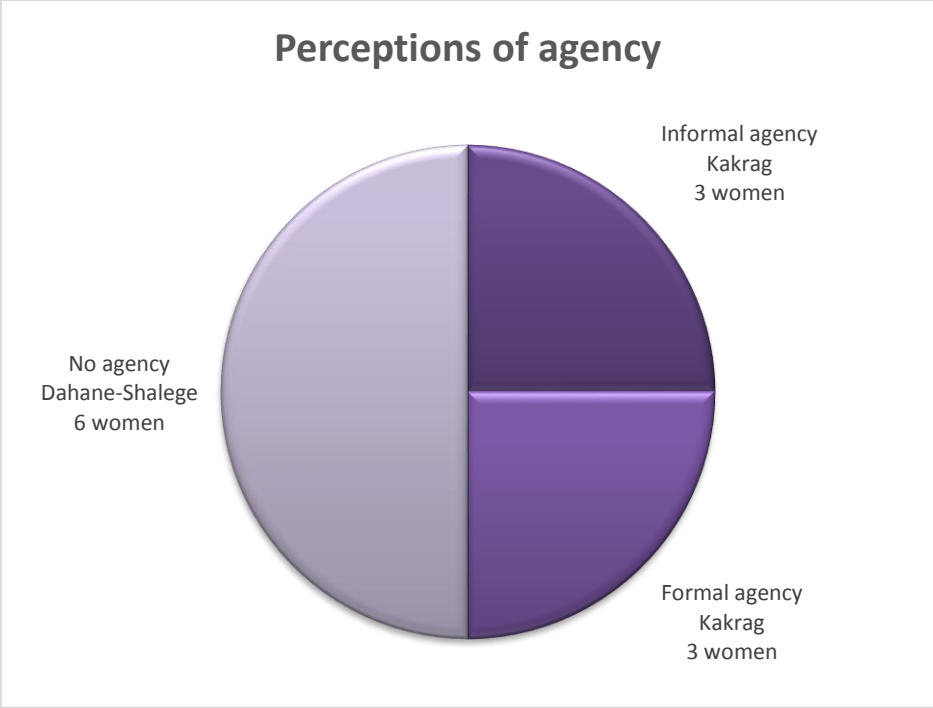


Figure 6: Perceptions of agency in water management. Three of the Kakrag respondents showed formal agency as members of the WC, while three respondents demonstrated some degree of informal agency. All the six Dahane-Shalege interviewees showed little or no agency in water management.

7.2.17 Challenging the water norm

Neither in Kakrag nor in Dahane-Shalege have the women interviewed been successful in challenging the water norm itself. This is interesting, because according to the results, the respondents in Kakrag reportedly display much more agency than the Dahane-Shalege respondents. The indication is that the improved agency is related to an opportunity for agency created by the new institution of water management. But on challenging the water norm itself to achieve a more fair and equal distribution of labor, the results are comparable between the villages.

The sanctions allegedly experienced by the Dahane-Shalege women when discussing the norm in the community are silence, ridicule and mockery. Therefore, many of the women now consider these discussions useless and have ceased to challenge the water norm. When asked directly what would take for the water norm to change, Khaterah responds:

“This is a male-dominated community. It is impossible to change this situation. I have no idea. Nobody listens to me” (Khaterah, 35, mother of 3).

Apart from describing what she sees as the main obstacle to a substantial change in the water norm, i.e. the patriarchic culture, Khaterah voices despair, a lack of alternatives, and no agency. She has given up, as has the other women interviewed in Dahane-Shalege.

The responses by the women interviewed in Kakrag, on the other hand, suggest that the sanctions they face when challenging the water norm are moderate: Nobody here speak of ridicule and mockery. But the lack of success, and the interviewees’ wording is very similar:

“This is a very male-dominated place. I discuss this norm with my friends and neighbors, women and men. My friends and I want to change the water norm. But all our efforts go in vain” (Fawzia, 20, no children).

Similarly, other respondents speak of male resistance to change the cultural barrier, i.e. the water norm:

“My husband says, that if he saw other men fetch water, he would be ready to fetch water too. But he will not take the initiative” (Jawana, 21, mother of 1).

Jawana’s statement suggests that the women’s arguments cited above about male strength and female willingness to take part in farming and irrigation, may be having an effect on the men in Kakrag after all. Here, the water norm may quietly be under pressure also among the men, as seems to be the case regarding Jawana’s husband.

7.2.18 Awareness

Awareness about the legal documents governing water in the country as well as their rights as human beings – to water, participation and non-discrimination - are near non-existent in both Kakrag and Dahane-Shalege. Moreover, there are no intersectional differences in their degree of knowledge, or lack thereof; both the illiterate and the literate women are ignorant about these topics. *None* of the women interviewed are familiar with the Afghanistan Constitution of 2004, or its guaranteeing the citizens’ equal rights to the country’s resources. As expected, neither has any one knowledge about the 2009 Afghanistan Water Law, or the

Afghanistan National Development Strategy, Water Resource Management (2007/08 – 2012/13).

“If there is a water law, please share it with me” (Chehrah, 50, mother of 10).

Ignorant about the laws and policies governing water, however, some of the Dahane-Shalege respondents have heard about the NGOs implementing pipe schemes in neighboring villages.

“I have no education. I don’t know anything about these things. But I have heard about the NGO and the piped water scheme. I am looking forward to it coming to our village” (Hakimah, 60, mother of 2).

All the interviewees familiar with the piped water schemes in neighboring villages voice eagerness and optimism on their own behalf. Considering the gendered water norm, the long and tiresome hikes and the unsafe nature of the water available, it is not surprising that they look forward to the implementation of the WASH program also in Dahane-Shalege.

The only interviewee showing any awareness of legal entitlements was a young, literate woman in Kakrag:

“I know that access to safe and clean water is a right every human being has. I learned this from the NGO” (Fawzia, 20, no children).

Some of the women seem embarrassed about their ignorance, but many express both willingness and ambition to learn about water management, rights and entitlements. However, the inability to read and write is experienced as a serious constraint among the illiterate interviewees. In Dahane-Shalege the time aspect also plays a part; all the women interviewed here are incapacitated by water retrieval. There is simply little or no time left for studying, even if they are literate.

7.2.19 Satisfaction

When asked about their impression of the government and their degree of satisfaction with government water supply services – or lack of same, the respondents’ reactions are varied and at times contradictory, but overtly negative in both villages. Sadness, anger and bewilderment are recurring emotions.

“I am very sad. The government hasn’t done anything for us. I am very angry with the government” (Bita, 54, mother of 5).

“I have never seen the government. I don’t know what the government is” (Elham, 56, no children).

Another interviewee is disappointed with the government while simultaneously having no expectations about the government’s ability to supply services like potable water. Another woman in Dahane-Shalege does have expectations to the government:

“The government should be responsible for our water, and for creating sustainable jobs for women” (Monira, 30, mother of 3).

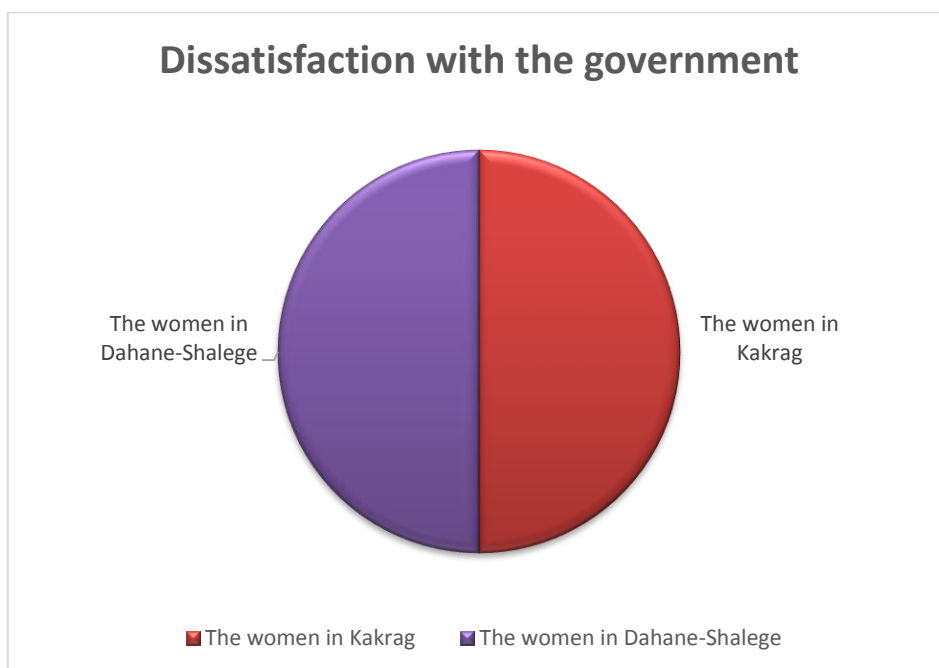


Figure 7: Dissatisfaction with government. All the 12 respondents expressed anger and disillusionment towards the government.

A few women also seem to be confusing the government with the NGOs operating in Kakrag. The most articulate and nuanced critique comes from the young woman serving as Deputy Manager of the Kakrag WC:

“Other people don’t know much about the government. So, I discuss the situation with my husband. This is a marginalized community, and I am not satisfied with the government’s efforts. But the government does not have much money; it is very poor. That is why they cannot provide more services” (Donya, 18, no children).

Donya expresses an understanding of the Afghan government's fiscal challenges, offering up meager public funds as an explanation for the lack of public services. Her statement also supports the impression of little awareness of legal entitlements and water governance generally displayed by the interviewees.

The unanimous frustration with the government and its inability to provide water and other services is striking, also in Kakrag, where the women recently have witnessed a vast improvement in their access to safe and reliable water for domestic purposes. Although a few express some confusion between the government and the NGOs working in Kakrag, most of the women interviewed are aware of the NGO as the responsible agent for the piped water scheme.

CHAPTER EIGHT

8 Discussion

This thesis investigates the realities on the ground regarding equitable access to water and participation for rural women in Afghanistan, and assesses the efforts of the State Party in the light of their human rights obligations as the primary duty bearer. In order to do this expediently, I have established three parameters: The first parameter is the current formal environment, in the form of laws, policy, discourse and implementation plans. The State Party is responsible agent. Secondly, I have engaged in discussions with professionals involved in the design and implementation at institutional and programmatic levels, allowing me to gain a deeper understanding of values, aims, procedure and relevant practicalities. The responsible agent here is the NGO, Norwegian Church Alliance, and their implementing partners. Finally, I have conducted a case study with 12 rural women in Ashtarlai, Daikundi, in order to gauge their diverse perceptions, experiences and access to water and participation in the two villages. The responsible agents here are, naturally, the women, as the actual beneficiaries of the two above parameters. The results from the case study as well as other relevant information and data have been used to evaluate the governments efforts regarding its legal human rights obligations, to be able to address the research questions:

- How is the rural women respondents' agency when it comes to negotiating the legal plurality of water governance in Ashtarlai, Daikundi?

- How does the state of Afghanistan meet its obligations to fulfill the women's right to access appropriate, affordable, and safe water, as well as their right to equitable participation?

I will address these questions by establishing the issues around physically accessing water and the socio-cultural, physical, gendered, health and rights aspects. This followed by what has been achieved to date, and a synopsis of constraints, gaps and limitations.

8.1 Access to water

Rural Afghanistan has long endured poor water management. In the arid/semi-arid areas, where modern, appropriate infrastructure is rare or non-existent, the population rely on surface water for all purposes. In these areas, access to irrigation water is paramount, and sometimes a matter of life and death. In richer farming areas, i.e. valleys and plains with flat, irrigated stretches of farm land, water management can be a power game. The distribution of water for domestic and livelihood purposes may lie in the hands of the communities, but water is also managed by elites, i.e. larger land owners, but also power brokers/war lords, often through a hired *mirab*, or water master. Local water rights in rural areas moreover are often unclear, causing several conflicts annually– which happen to be the second most common cause of conflict in the rural parts of the country, after farm land. Generally, elite power and customary law decide which families have easy access to water, and which have less access, or even no access to irrigation water. (Wegerich, 2010; UNAMA, 2016, personal communication with Mr. Merchant, 14 December 2017). Under difficult and murky water management circumstances such as these, the law of the land is that water users with lower socio-economic status must try to get by the best way they can.

Ashtarlai, Daikundi is a poor district area in the Central mountains, with steep mountain sides, narrow valleys and very little farm land. The local population are largely subsistence farmers. There are no Taliban or other insurgent groups in the area, and no war lords. The reason for this absence of powerful groups is clear: ironically, the district is too poor to attract interest. Formal water management is non-existent; access to water is regulated by customary law. We have seen that in Dahane-Shalege, all the women interviewed are deeply frustrated with their current domestic water situation, which constitutes hard and time-consuming hikes to fetch low quality and often hazardous water from unprotected sources, affecting them and particularly the children's health negatively. Lives are lost due to water contaminated with fecal matter. The women themselves may not make the link between

contaminated water and diseases such as diarrhea, but in any case, their attitudes towards the government are marked by anger and disillusionment. Furthermore, the drudgery has an opportunity cost that keeps them from doing other important tasks, such as studying or performing other income-generating activities for the improvement of their households.

In Kakrag, there is equitable or near equitable access to basic water service for domestic purposes. The village is an example of the statistics showing the steady increase of the proportion of the rural population with access to water from an improved source. The water fee for provision is equal for all and generally affordable. Apart from one respondent, the interviewees in Kakrag express great satisfaction with the water quality and the design of the WASH water scheme. This view is evident when comparing the present water situation with the conditions before the WASH implementation only a year earlier – which is very similar to what the Dahane-Shalege women currently are experiencing. However, they show no awareness of the government's efforts and responsibilities in the fulfillment of their rights.

Due to this lack of clarity on responsibilities, the respondents' expressions of satisfaction and gratitude over the water scheme do not extend to the government. The overall sentiment is disappointment and anger towards a government that does not do what in their opinion a legitimate government ought to do: provide basic services to the population. As all the women showed very little if any awareness of formal water governance institutions, this attitude towards the government towards the NGOs is not surprising.

8.1.1 Multipurpose access to water

Most of the respondents in both villages have multi-purpose water needs, but water for productive purposes is not provided in either village. Nor is there any modern and functioning infrastructure addressing these needs, and the lack of dams or reservoirs in the area to store and save water exacerbates the situation. As the Kakrag villagers are not supposed to use the piped water for productive purposes, their only option is free-flowing surface water, as it is for the villagers in Dahane-Shalege. The single-use, sectoral approach to water seems to be the law of the land in the global Unicef WASH program, but at least, in Kakrag, the intention was to implement a variant of Domestic Plus. Unfortunately for Kakrag, the discharge was too small for multipurpose use, hence the unanimous grievances regarding irrigation water shortages also in this village.

Without water for irrigation, the result is the women and their families in both villages regularly losing both cash crops and subsistence food plants. This situation entails food

insecurity and/or a lack of income, resulting in poverty and destitution. Moreover, regular flash floods are threatening life, health, income and food security.

Another aspect of productive water scarcity is sustainable employment for women. Without water, it will be near impossible to reduce poverty and the unfortunate high unemployment rate, also a common complaint among the respondents. This because the most viable sustainable employment for women in the rural areas would necessarily concentrate on agri-economic activities. Various programs of potentially sustainable job creation for rural women have been successful in other areas,²² all depending on a steady supply of water. The link between water and the rural economy is clear: If there is insufficient productive water, there will likely be no job creation and hence no reduction of poverty either. In other words, productive water scarcity contributes to unacceptable economic conditions for women in both villages, both presently and in the immediate future, indicating a violation of the right to livelihood and development, as well as dignity.

8.1.2 Intersectional discrimination

We have seen that under water scarcity, elderly, disabled women and women of lower socio-economic status are exposed to systematic discrimination by women of higher socio-economic status – “powerful women” - in their access to water in Dahane-Shalege. Intersectional discrimination between individuals or groups of women over a vital resource such as water is alarming, because it is the weakest and most vulnerable members of the community who must bear the brunt of a non-existent, equitable water supply service in the community – to which these women have a legal entitlement. Some of the respondents in Kakrag also expressed discrimination by other, more powerful women as a regular feature during water scarcity, before the WASH implementation.

8.2 Participation, agency and gender discrimination

As demonstrated, the WASH implementation in Kakrag has created equitable and inclusive institutions, and the respondents’ accumulated narrative gives the impression of a dynamic journey from little opportunity for agency for women, to a large degree of opportunity for agency and empowerment, as well as gender awareness in the Kakrag community. The respondents now have equitable and substantive influence in water

²² There are several reports of successful projects in rural Afghanistan creating economic opportunities for women, from seeds to strawberry and honey production. An example is the women seed producers in Parwan province: <http://drylandsystems.cgiar.org/content/women-farmers-afghanistan-score-success-village-seed-enterprise>

management, and their participation seem *active, free and meaningful*, which is in line with the UN Sub-Commission Guidelines on the Promotion of The Realization of the Right to Drinking Water and Sanitation discussed above.

However, there are (at least) two weaknesses in the context of gender mainstreaming in water management: the inclusive institutions in Kakrag are a recent appearance – only a year old, roughly. It would be risky to assume that the new opportunity for agency and the exercising of same will be a lasting feature in the community. Women’s equal rights to self-determination and participation in a patriarchic society should not be taken for granted; it is likely a fight that must be fought every day, in the community and in the WCs, by women and men alike, and probably for a very long time. Secondly, the transformation and cultural change called for in CEDAW’s preamble and article 5 (a) is *only partially* realized: Significant elements of male dominance linger. The women have not been quite able to sway the village males to share the water burden more equitably. Moreover, the respondents seem to exercise very little agency regarding a more gender-equal division of labor in farming activities, including productive water. In other words, it seems the state of Afghanistan has not fulfilled its duty to eliminate discriminatory practices based on traditional, stereotyped roles for men and women in Kakrag. The transformation is far from complete.

In Dahane-Shalege, there is no water supply service and no institutions managing water other than customary law, which is patriarchic in nature, benefitting males while marginalizing women. This situation offers very little opportunity for agency for the women, accordingly, the women exercise little or no agency in matters concerning water, domestic or productive, and little or no agency regarding a (more) gender-equal division of labor in the household. Summed up, the respondents in both villages generally want more equal sharing of the various water-related activities, and the view on domestic (plus) water as women’s responsibility is the same in both villages. Naturally, for the women respondents in Dahane-Shalege, the consequences of this lack of equitability are much more dramatic.

8.3 Water and health

The gravest issue in Dahane-Shalege is the water quality: The water in Dahane-Shalege constitutes a major health threat, in particular for the children. The respondents are also suffering from weaknesses and pains which mostly likely are related to the water quality as well as the heavy burdens associated with water management and transportation. The lack of easy access to safe water for this community is a severe impediment to prosperity,

development, health, even life: Small children losing their lives is a common occurrence in Dahane-Shalege.

It is a grim situation. It is almost incomprehensible that 47% of the 32,000 rural communities have yet to receive safe drinking water. According to Ru-WatSIP, the agency may provide for “emergency and humanitarian WASH” through mobile trucks with potable water as a life saving measure, if outbreaks of diseases are documented and verified (MRRD, 2017). Trucks providing potable water would constitute immediate relief for communities such as Dahane-Shalege, and save lives. Just as important, it would be in line with the State Party’s duty to take *immediate steps to prevent and control epidemic diseases* under Article 12 in the ICESCR.

No respondent told of life-saving water trucks. As long as there are roads, water trucks can make their way even into remote communities like Dahane-Shalege. For the mothers who spoke of losing children to diarrhea, water trucks now will be too late. But trucks such as these may save other children, both here and elsewhere. Considering the MRRD and the provincial governments possess excellent and detailed information on the alarming drinking water situation in the rural areas, why have they not provided interim drinking water arrangements? Why have the authorities been so slow implementing the excellent and appropriate WASH program? Why the absence of a responsible public policy on emergency drinking water for the rural communities waiting for the WASH implementation?

8.4 Real life versus laws, policies and plans

The lack of recognition to women’s multi-purpose water needs in both villages, and also domestic water in Dahane-Shalege, is contrary to *constitutional* obligations to implement programs meant to improve economic, social and living conditions in the rural areas – of which water is a basic ingredient. Moreover, it is contrary to provisions of water to domestic livelihood needs in the Water Law, *the Water Resource Management, 1387-1391 (2007/08 – 2012/13)* strategy, and the NSP/CCNPP/Ru-WatSIP and WASH policies. Through these documents, the government mandated itself to lead the social and economic development of the country, with an emphasis on water resources and water infrastructure. Furthermore, apart from a few weaknesses, the Water Law as well as the policies and plans discussed above seem to *echo*, directly or indirectly, the principles and state obligations as outlined in all the human rights document discussed in this thesis: The right to water, participation and non-discrimination, the indivisibility and interrelatedness of rights, and a *particular attention* to

rural water supply, and women, and women farmers, and the poor. The women in the case study belong to a marginalized subgroup which fits all three categories, namely poor, rural women with real, genuine and – with the exception of domestic water in Kakrag – unfulfilled water and participation rights. Considering all the international support and the large sums of money that have been injected into the Afghan economy by the international community, one would expect poor, rural women and their needs regarding participatory and equitable access to domestic and productive water be given extra attention. But there is a formidable disconnect between the government plans, policies and laws, and the destitute experiences of the respondents, in particular the ones in Dahane-Shalege.

8.5 Human rights violations?

There is no equitable access to domestic water for the people of Dahane-Shalege, as well as water for livelihood, food and development for both villages. The grim water quality situation in Dahane-Shalege, leading to illnesses and untimely deaths is a very serious issue. Moreover, when considering the principle of indivisibility and interrelatedness of rights, non-existent water supply provision negatively affects other rights, such as the right to education, development and human dignity. The question is, do these grave issues constitute human rights violations?

8.5.1 “Progressive realization” versus “maximum efforts” and “immediate steps”

As indicated, the fulfillment of the human right to water, participation and non-discrimination hangs on the State Party’s concrete, deliberate and targeted efforts according to its capability and resources - progressive realization. How one interprets the concepts of “progressive realization” versus “immediate steps” is decisive when determining whether the Afghan government has violated these rural women’s rights. On one hand, it seems the State Party through severe and rampant omissions has failed the women in Dahane-Shalege and their rights to domestic water, participation and non-discrimination. It has also failed their right to a healthy environment and the control and prevention of water-borne disease. In particular, the State Party has dramatically failed several Dahane-Shalege children’s right to life – the most fundamental of all human rights. It has also failed to address the productive water needs of women in both villages, as well as protection against flooding and water shortage. It follows that other rights have been denied as well, such as the right to livelihood and education. Notably, the Kakrag respondent’s equitable access to domestic water and participation has been provided by the NCA-Afg and partners, and funded by actors other than the Afghan state.

On the other hand, the data and findings presented indicate the State Party *has* taken “deliberate, concrete and targeted”²³ steps towards full realization of the equitable right to water, through the creation of formal institutions, water policies and implementation plans. These institutions, policies and plans also provide for equitable participation of women in water management – almost to the letter as experienced and narrated by the Kakrag respondents. Moreover, the statistics show steady progress of rural access to domestic water since 2001, and broad plans to extend domestic water supply to 100% of the rural population in the course of 2020. Finally, the State Party has enlisted assistance and funding from the international community in their efforts to fulfill these rights.

In its commitment to water provision, the National Unity Government (NUG) has put into use a broad range of resources, including technology, national financial resources as well as international resources. The Citizen Charter National Priority Program (CCNPP) best illustrates these efforts. The NUG sees the rural CCNPP as crucial in building trust in the central government through the cooperation with the CDCs in establishing and delivering key services, such as domestic water, with a special attention to women and “the most poor and vulnerable”. The NUG is also addressing seven key constraints that will have implications also for the water issue as well as other needs discussed in this thesis, namely improved security and stability, corruption, good governance, job creation in the private sector, restoring fiscal sustainability, reforming development, and the securing of human rights (World Bank, 2016, p. 13). The CCNPP constitute serious, comprehensive and appropriate steps to realize the human rights to water, participation and non-discrimination indeed.

Other indications of the State Party fulfilling rights is the proportion of the rural population’s access to water. It has been expanding with roughly 4% for the last three years, and is at 53% in 2017.²⁴ This is all the more impressive as Afghanistan since 2001 has been in a state of vulnerability, experiencing countless serious social, economic and development challenges, such as insecurity and conflict, weak capacity and institutions, widespread poverty, a sluggish economy, drug cultivation, corruption, internally displaced persons (IDPs), and a galloping population growth. For a long time, a lack of coordination among donors led to a lot of investment in irrigation and water management infrastructure led to confusion and lack of clarity (Personal communication with Mr. Merchant 14. December

²³ (OHCHR, 2003, Para. 17)

²⁴ Unfortunately, the WHO/Unicef statistics on domestic water in Afghanistan do not extend beyond 2015. I have therefore aggregated these number from information provided by Mr. Ghulam Qader, RU-WatSIP.

2017). Moreover, during much of this time Afghanistan has been under military occupation and all the while under international supervision, and received financial and advisory support, but also strong political priorities and guidelines from foreign powers and international backers. - which may not always be in full agreement with the government's national priorities. For better or worse.

Although recognizing gaps in the water supply services, the MRRD is pleased with the strong progress on rural domestic water provision and associated goals. According to Deputy Minister in MAIL, Mr. Fahimullah Ziaee, the government is also aware of the pressing water situation the Ashtarlai women find themselves in:

“In Daikundi, the households are scattered, their landholdings so small – it is not sustainable. These are poor and innocent people, who have not been given proper care[....] But we need a return on our investment, according to a cost-benefit analysis [....] We need to think outside the box about these communities. We are not neglecting these [poor] provinces; but we cannot throw money into a black hole [...].” (Personal communication, 11. July 2017)

It comes to no surprise that the government of Afghanistan has made and continually makes hard priorities. When considering the context of poor state capacity and fiscal and other challenges, *one may argue that the State Party has taken appropriate steps towards the progressive realization of rural women's right to water, participation and non-discrimination.* Hence, it seems no human rights violations have taken place.

Still: That the women in Dahane-Shalege and thousands of Afghanistan's 32,000 rural communities in 2017 still do not have access to the most basic commodities for human survival, namely safe drinking water, are indications of State Party's commitments as weak, inexpedient, and insufficient rather than *deliberate, concrete and targeted*. Neither is it possible to view the government's actions and commitment as having moved *as expeditiously and effectively as possible towards the full realization of the right to water*.

As indicated, vulnerability in the form of low capacity, corruption, insecurity and violent conflict do not exempt a State Party from taking appropriate steps to fulfill its core obligations. The state is presently taking appropriate steps to fulfill the right to water, yes, but too little, too late. Until the establishment of the NSP and the Ru-WatSIP 2003/2004, nothing much happened.

Moreover, and mindful of the principle of *immediacy* and urgency discussed above, the State Party has failed to take immediate steps when addressing the right to non-discriminatory access to domestic water, health, a safe environment free of water-borne diseases, development and water for own food production and livelihood, as specified in the ICESCR's articles 11 and 12. Weak, old and disabled women – or anybody else, for that matter – ought not to fight for access to water, and unsafe water, at that.

With the CCNPP, the State Party in recent years has taken steps to progressively realize the right to domestic water, but the data and findings indicate that consistent and systematic work did not take place until many years after the state building efforts began in 2001/2002. Before this time, the civil wars had led to the destruction and disrepair of the traditional water infrastructure. According to Afghanistan expert Mr. Karim Merchant, during the early years of state building, the scramble for development and establishment of institutions was a rather chaotic and uncoordinated affair. Attempting to present an indicative explanation of the key issues defining this early phase of the state building efforts: the issue of rural water these years was not a priority among the foreign donors, who acted out of own geographical and/or political agendas. The issue rested with INGOs, and local warlords/power brokers who might or might not be immediately concerned with water provision (personal communication, 12 December 2017). In such a confused and disarrayed environment, formalized water provision in the poor and marginalized rural areas was largely neglected, and it took several years for the issue to resurface as needy of attention.²⁵

Hence, the expansion of domestic water in rural areas that actually did take place during these early years can in principle be attributed to the efforts of actors *other* than the State Party. Apart from being delayed, the state effort has also been far too weak. This is also the case with providing water resources for irrigation and other productive purposes, which again is directly linked to the largely non-existent water infrastructure such as reservoirs and dams. In other words, the lack of access to what in essence is multi-purpose water, participation and non-discrimination in Dahane-Shalege, and to a lesser degree Kakrag, must be viewed as human rights violations by omission, on behalf of the State Party. This because its efforts cannot be said to constitute *the maximum of available resources*. In particular, the dismal domestic water situation for the women in Dahane-Shalege - and likely also the other 47% of

²⁵ This attempt at describing the causes of the delayed attention to rural water provision is of course very simplistic and general, and does not do justice to the complexities in the Afghanistan context during these early years of state building.

the rural population without safe drinking water – constitutes a violation of the right to health – and life. These faults are among other a result of State Party inefficiencies in not lifting domestic water provision in the rural areas, and particularly for *poor, marginalized and/or rural women*, higher up on the agenda at an earlier time.

Providing equitable and quality services and institutions to the population is under any circumstance an arduous task for any government, when starting from a low baseline. It must be said that state building in Afghanistan in general and the building of infrastructure and water supply provision in specific during the early years after 2001 represented very complex and demanding challenges – and in many ways still do. Considering the massive economic and political support and input from the international community and foreign powers, many actors other than the Afghanistan government bear responsibility: State efforts on water provision and women’s equitable participation in water management have been diffuse and too weak, but so have the efforts and priorities of the international community, whose duties are in line with the international, extra-terrestrial human rights obligations discussed above. Particularly the USA as the driving force behind the military invasion, but also the UN as the key actor in the civilian state building efforts, bear special responsibility. There are many indications that economic development including the provision of multipurpose water in the rural districts was downgraded or ended up in the background, compared to other issues such as the Global War on Terror, a key priority for the USA. To secure funding of the remaining 47% rural water supply implementation – the annual USD 26 million currently missing in the long-term Ru-WatSIP budgets up and until 2020– seems like an appropriate commitment the USA and other (NATO/RSM) states can make. After all, this sum is only a fraction of the total sums spent on military commitments annually since 2001.

8.6 Limitation and recommendations

8.6.1 Limitations

The sample of respondents was small, only 12 women, six from the Kakrag village and six from Dahane-Shalege. However, the two villages were also small, with only roughly a 1000 and 550 inhabitants, accordingly. Although the maximum variation sampling created a differentiated and nuanced picture of these women’s experiences and opinions on the situation regarding water, participation and non-discrimination, extending the case study conclusions on this situation in Afghanistan to the women in both villages based on such a small sample, is not readily feasible. However, the respondents many times referred to how they perceived other local women’s experiences and opinions, such as various reactions to the water fee.

Moreover, they compared and contrasted their own perspectives and narratives with those of other local women, and also men, enriching the narrative on the relevant issues considerably. Finally, after the fifth or sixth interview, little if no additional information did surface, i.e. the arrival of the case study's *saturation point*. These enriched and saturated data along with the data from Dr. Nyborg's field study, the water statistics, the key interviews and other relevant primary and secondary sources did allow for triangulation and verification. Hence, it seems possible to present a credible conclusion that is at least tentatively valid for women's equitable access to water and participation in both villages as such. On certain items it has been possible to draw objective conclusions on the water-related situation in the rural parts of the country as a whole. An example here is the statistics on domestic water provision and data provided by the MRRD.

8.6.2 Recommendations

I am left with the distinct impression of having produced a tea spoon-size of knowledge out of the enormous ice berg of Afghanistan's cultural, social, political and economic context. In order to create high quality, targeted, holistic development programs, sensitive to both gender and context, I believe further research on the following topics would be useful: the role of rural men in the gendered division of labor, and the nature of rural Afghan women and men's cooperation in the household and farming activities. Another topic would be how the unequal power relations between women and men influence security. Still another likely research topic would be which factors promote lasting structural and cultural changes and the removal of gender-unequal cultural barriers, and unjust and inappropriate gendered power structures and stereotypes in developing – and developed – countries.

CHAPTER NINE

9 Conclusion and way forward

This thesis has looked at the issue of water as a condition for life, and the human rights theories and documents that form the legal basis for the rights to water, participation and non-discrimination. It has also investigated the State Party's obligations as the primary, but not the only duty bearer. Moreover, the thesis has sought to assess the Afghan state's fulfilling or violating these rights by looking carefully at the state's efforts in this regard, and comparing these to data and information regarding the country's water use and management, as well as

the relevant experiences and opinions of 12 female respondents in two poor, rural villages, Kakrag and Dahane-Shalege, in Ashtarlai, Daikundi. As Afghanistan is a state in fragility, with ongoing conflicts and several constraints and challenges both before and after the state building project began 2001, the capacity and will to address these rural women's real and genuine needs regarding equitable access to multiple-use water, participation and non-discrimination has been insufficient. The impression is that priorities other than water and participation have been considered weightier and/or more urgent by the many powerful stakeholders, particularly in the early years of state building. Furthermore, these women's suffering and hardships, as well as women's role in the economy and their ability to make meaningful and substantial contributions in general, have not been acknowledged in the overly patriarchic Afghan society. Hence, systematic and serious efforts to alleviate the needs of marginalized women in the rural areas have not been on the agenda until recent years.

As a result, these women's rights to water, participation and non-discrimination, based on provisions in the International Covenant on Economic, Social and Cultural Rights (ICESCR), have been violated by the State Party. The thesis has uncovered the following violations in both villages:

The women and their families' right to water for the healthy growth of subsistence food plants like pulses and wheat, and their domestic animals

The women and their families' right to water necessary to make a living, for instance by selling off products such as eggs, milk and fruits

The right to be treated as an equal and not suffer from stereotyped views on what women can and cannot do, preventing women from fulfilling their potential

The most grave and alarming violations are found in the Dahane-Shalege village:

The women and their families' right to access clean, clear and safe water that tastes good

The women and their families' right to a healthy environment, especially an environment in which the water or the retrieval of water do not pose a threat to health and life

The women's right to self-determination, and to influence and make decisions in water management, decisions which may have direct impact on the enjoyment of other rights, such as livelihood

The women's right to access water without being abused physically and mentally by women stronger and/or more powerful than themselves

The women's right to human dignity: to be met with respect when trying to exercise the right to participate, and to change inequitable cultural barriers which limit expression and behavior

By extension, and due to the principles of indivisibility and interrelatedness of rights, the women's right to education, development and other core ICESCR rights

For all the children who have died due to water-borne diseases: the most important right of all, the right to life, have been violated.

But times are changing. In spite of its human rights violations as demonstrated in this thesis, the State Party *presently* does display a genuine and real commitment through the CCNPP and Ru-WatSIP policies and efforts. Of course, these policies and plans had meant nothing if the situation regarding water had stayed the same, year after year. But the numbers speak for themselves: Rural access to water is improving by the year. The CCNPP seems to represent an earnest effort to address the many shortages and flaws in service provision in an appropriate manner. The goal of providing 100% universal access to domestic water in the rural areas in the course of 2020 seem rather ambitious, given the MRRD's 's own assessments of various challenges and constraints. However, with the materializing of the funding still missing at the time of writing, and assuming the security situation improves rather than deteriorates, the goal may still be realizable, albeit at a somewhat later date than 2020. I commend the government and the MRRD for their efforts and urge them to keep up their commitment and pace on the issue. The recent development bodes well; I hope and believe it will continue until every woman, man and child has easy access to safe water.

The thesis has uncovered water scarcity as a major problem not just in securing food production in the rural areas, but also in alleviating poverty and creating jobs in the agro-economy and private sector in these areas in general. A recent report by the Stockholm International Peace Research Institute gives well-funded advice as to how the development of the private sector in Afghanistan may reverse the current dynamic of unequal access to economic resources, insecurity, corruption and "flawed public services". In doing this, the writers acknowledge the importance of the inclusion of women (Ghiasi, Zhou, & Hallgren, 2015). I hope and believe that the importance of women's contributions in the national

economy are acknowledged by the government and included in its development plans for the country.

Current president Ashraf Ghani Ahmadzai is reformist and has in words and deeds supported gender equality and Afghan women's right to participation²⁶. Moreover, with increasing awareness of water's key role in economic development and the negative consequences of water scarcity, President Ghani has lifted water provision and infrastructure high up on the agenda. These are positive developments that give hope for the rural women in Afghanistan if allowed to continue and expand. The respondents in Kakrag spoke of empowerment, how the new institutions that came along with the WASH had changed them, made them feel influential. Mindful of Chehrah's comment on her personal journey to empowerment: "*Yes, I have influence with both women and men. But before, I was this powerless, uneducated woman*", for her, and almost all the interviewees in Kakrag expressed similar impressions of empowerment. I once again commend the NCA-Afg for their work in not only providing safe domestic water to this community, but just as much I am impressed with how their work seems to have improved the respondents' agency and status to a great extent. For these women, things will never be the same – a true accomplishment which gives credit to them, the NGOs, and even the village men, who also seem to have been transformed in the process, at least partially. Hence, it is my sincere wish that institutions and venues such as the ones demonstrated in Kakrag will be recognized by the Afghan government, and other governments, and made available to all marginalized groups and sub-groups, in Afghanistan, and elsewhere, for the times to come.

Moreover, rural women's multi-purpose water use and needs ought to be recognized. The MRRD and other sectoral ministries such as MAIL and MEW may want to consider a shift away from the sectoral, single-use approach to water as represented by the WASH program, and assess the benefits of multiple-use water services, MUS. This because Domestic Plus or Productive Plus approaches to the rural water supply provision seem more in line with the manner in which the female rural population actually need and use water. A prerequisite to such a shift would be that the government continues and increases its efforts on the repair and construction of irrigation and water containment/flood control infrastructure. An increased commitment to the building of dams and other flood control infrastructure is even

²⁶ See for instance Lael Mohib's article in Foreign Policy April 4, 2016, available at <http://foreignpolicy.com/2016/04/04/in-president-ghani-afghan-women-have-a-champion-like-no-other/>

more important, as the effects of climate change will likely have a negative impact on the water and precipitation situation in the country. The initiated dams and reservoirs projects discussed above is a good start, but other options to watershed management should be investigated as well.

Afghanistan is a state characterized by fragility, and will most likely stay this way for quite some time. The security threat to the reformist NUG is real, and there are indications it is mounting. The continued military presence of NATO - albeit on a non-combat mission such as Resolute Support Mission (RSM) - is a controversial issue, in Afghanistan and elsewhere. This because RSM troops by some are viewed as an international/foreign occupational military force, contributing to anti-NATO, anti-American and anti-government sentiments. However, other scholars and writers argue that the presence of foreign soldiers on Afghan soil is a prerequisite for the Afghanistan National Army's ability to win the war against the insurgent groups and pressure them to the negotiating table. My hopes are that both the NUG and its international backers will continue to seek the most expedient way of dealing with the security issue, keeping a holistic focus of the dynamics between economic development and insecurity, and focusing on the needs of the war-weary Afghan population, who certainly have deserved sustainable peace and development after almost 40 years of conflict.

Finally, it is my wish that the Afghan government will continue to challenge gender inequality and stereotypes in all its forms, and listen to and include marginalized groups such as rural women – and women in general - in its policies and programs. And of course, provide water.

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