

And Not a Drop To Drink: Water Privatization, Pseudo-Sovereignty, and the Female Burden

Rachel Welch*

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I. WATER SCARCITY, PRIVATIZATION, AND THE FEMALE BURDEN: AN INTRODUCTION

Over two million people, predominantly children, die every year due to a lack of properly sanitized water.¹ The right to water is not, however, a justiciable right.² The recognition of access to water as a basic human right will be an important step in creating a set of norms by which all corporate entities must abide when entering into privatization projects in the developing world. Unfortunately, for now, the right is obscured at

* J.D. candidate 2007, Tulane University School of Law; B.A. 2002, Washington and Lee University. The author became interested in the impact of development on women while serving as a Peace Corps Volunteer in Morocco. She would like to thank Professor Felice Batlan for her assistance and support in developing concepts for this Comment.

1. Gro Harlem Brundtland & Carol Bellamy, *Foreword* to WORLD HEALTH ORG. & U.N. CHILDREN'S FUND, GLOBAL WATER SUPPLY AND SANITATION ASSESSMENT 2000 REPORT, at v (2000), available at http://www.who.int/water_sanitation_health/monitoring/globalassess/en/.

2. Ramin Pejan, *The Right to Water: The Road to Justiciability*, 36 GEO. WASH. INT'L L. REV. 1181, 1182 (2004).

best.³ Access to water continues to deteriorate, and the developing world is left in a life-or-death balancing game with economic development on one hand and human rights on the other.⁴ The majority of those who perish are poor, live in rural areas of developing nations, and have neither access to water filtration services nor the ability to pay for such services.⁵ In response to the poorly maintained water distribution systems in developing countries and in the hope that corporate investment could boost developing economies, many struggling nations have turned to water privatization as the answer to this growing dilemma.⁶

Poor families in rural parts of the world struggle to maintain a potable water resource. Women travel miles searching for safe water or obtain their water from unsafe sources such as polluted lakes, rivers, and wells.⁷ In response to this growing problem and the escalating number of deaths caused by water-related disease, developing countries consider privatization a possible solution. From an objective perspective, it is easy to see privatization's apparent benefits. Wealthy corporate groups can better afford expensive sanitation treatments, pipe installation, and maintenance.⁸ They also possess the network and manpower to create and update water distillation and distribution systems.⁹ Governments are further enticed by development loans from international lending organizations such as the World Bank and International Monetary Fund (IMF), both of which often condition those loans on a country's promise to commercialize its utilities sector.¹⁰ In the end, struggling governments, whether corrupt or legitimate, find it hard to walk away from millions of dollars in World Bank or IMF development loans and investments by multinational corporations.

However, far from being the solution so hoped for, water privatization only serves to exacerbate preexisting issues. Instead of economic relief, communities are often saddled with the financial responsibility of exorbitant investment returns.¹¹ The families that need water most are left struggling to pay for what was once a communal well

3. *Id.* at 1182-83.

4. Jennifer Naegele, *What Is Wrong with Full-Fledged Water Privatization?*, 6 J.L. & SOC. CHALLENGES 99, 100-01 (2004).

5. *Id.* at 101.

6. *Id.* at 106-07.

7. Carol Brouillet, *FTAA Threatens Women* (Feb. 23, 2001), <http://www.communitycurrency.org/ftaa.html>.

8. Naegele, *supra* note 4, at 107.

9. *Id.* at 107-08.

10. *Id.* at 108-09.

11. Jim Shultz, *World Bank Forced Water Privatization on Cochabamba*, <http://www.commondreams.org/views/071500-101.htm> (last visited Aug. 27, 2006).

that has since become a metered, complicated water distribution system.¹² Privatization heightens income stratification within developing populations and further subjugates the role of women, especially impoverished women, by burdening the family unit with escalating water prices.

The World Bank and other international lending institutions pressure developing nations to privatize their water utilities by conditioning loans on a nation's move toward privatization.¹³ This pressure, and the resulting privatization of water resources, creates an environment where rights-based legal analysis becomes moot. State-created rights become subservient to national economic desperation and corporate profit.¹⁴ Women and children are left not only without a right to water, but without a legal voice with which to challenge private corporations.

The imposition of World Bank/IMF Structural Adjustment Policies (SAPs) on poor nations of the Global South beginning in the 1980s was one important catalyst for both local and international women's organizing in this arena. SAPs turned national economies into debt-servicing machines, laying the groundwork for their re-colonization. It became clear to women activists that the burden of SAPs was being borne disproportionately by women, as they substituted their own reproductive labor for diminished social services; lost service sector jobs; became the breadwinners in the informal economy; or moved into the new export processing zones as cheap labor.¹⁵

Not only must women carry the bulk of privatization burdens, but the corporations that become responsible for water distribution lack a true connection with those they burden with outrageous demands.

12. See Bob Carty, *Whose Hand on the Tap? Water Privatization in South Africa* (CBC radio broadcast Feb. 9, 2003), available at <http://www.cbc.ca/news/features/water/southafrica.html>.

13. Naegele, *supra* note 4, at 108-09.

14.

For many states, sovereignty, defined as the freedom to govern without external interference, is significantly attenuated. World Bank and International Monetary Fund loans and repayment plans, the influence of foreign capital, and the conduct of superpowers often have more effect on domestic policy than the exercise of sovereign authority. For many Third World countries, sovereignty, in the sense it is used in feminist and other international literature, has been an unattainable ideal.

Doris Elisabeth Buss, *Going Global: Feminist Theory, International Law, and the Public/Private Divide*, in CHALLENGING THE PUBLIC/PRIVATE DIVIDE: FEMINISM, LAW, AND PUBLIC POLICY 360, 375 (Susan B. Boyd ed., 1997) (citations omitted).

15. Carol Barton, Global Women's Movements at a Crossroads: Seeking Definition, New Alliances and Greater Impact, <http://www.sdonline.org/35/globalwomensmovements.htm> (last visited Aug. 26, 2006).

Indicative of the vacuum of responsibility between water privatization companies and the women affected are the controversies surrounding the Cochabamba privatization scheme in Bolivia and the South African privatization-related cholera epidemic.¹⁶ An in-depth analysis of these two countries provides a startling snapshot of the reality of water privatization and reinforces the notion that a traditional rights-based solution is inefficient. New ideas, based in the reality of the female experience in the developing world, must be generated in order to protect the rights of women and the poor.

II. WATER PRIVATIZATION IN THE DEVELOPING WORLD: TWO COUNTRIES, TWO CONTROVERSIES

[W]e must increase our understanding of our water resources, of how they are used, by whom, and for what purpose. We must understand the social dynamics that underpin our use of water. We must increase our social adaptability to use less water. We must increase the efficiency with which we use our water. Above all, we must increase our human capacity to use water well.¹⁷

The job of water provision within the home falls on female shoulders in most developing nations.¹⁸ Women and girls spend hours carrying water from wells and rivers; they provide potentially unsanitary water to family members and neighbors through food preparation, farm maintenance, and cleaning activities.¹⁹ As women are often the home budget distributors, women in areas where safe water is scarce or unaffordable carry an even greater burden of balancing the desire for clean water with the family's inability to pay water prices.²⁰ Extreme poverty exacerbates the dilemma by eliminating true choice; women

16. Naegele, *supra* note 4, at 124-28; Rose Francis, *Water Justice in South Africa: Natural Resources Policy at the Intersection of Human Rights, Economics, and Political Power*, 18 GEO. INT'L ENVTL. L. REV. 149, 170-78 (2005).

17. Barbara Schreiner, Chief Dir., Water Use & Conservation, Dep't of Water Affairs & Forestry, Keynote Address at the SAN CIAHS Conference: The Challenges of Water Resources Management in South Africa (Nov. 29, 1999), *available at* <http://www.dwaf.gov.za/> (follow "Media" hyperlink; then follow "Departmental Speeches" hyperlink; then follow the article's hyperlink).

18. Women's Env't & Dev. Org., Women's Caucus Statement for "Access to Basic Water Services" Session of the CSD (Apr. 12, 2005), <http://www.wedo.org/> (follow "Press Room" hyperlink; then follow "Natural Resources" hyperlink; then select "Women's Major Group Statement on Access to Basic Water Services").

19. *Id.*; Brouillet, *supra* note 7.

20. WOMEN'S ENV'T & DEV. ORG., DIVERTING THE FLOW: A RESOURCE GUIDE TO GENDER, RIGHTS AND WATER PRIVATIZATION 4 (2003), *available at* <http://www.wedo.org/files/divertingtheflow.pdf>. Without efficient access to safe drinking water, women struggle to create healthy environments for children. *Id.*

cannot buy adequate drinking water for their families if they lack the funds to do so.

The World Bank holds itself out as an entity intent on a “mission of global poverty reduction and the improvement of living standards.”²¹ While this appears to be a noble goal, the World Bank’s claim must be evaluated in light of the continuing pressure it places on developing nations to privatize their utilities or risk forfeiting World Bank aid.²² This pressure creates massive external debt for countries that have yet to demonstrate the ability to provide internal social services.²³ A convoluted dilemma is created: nations too poor to provide basic social, economic, and health resources for their citizens become indebted to international lending groups, causing them to spend money on debt repayment instead of on the exact social changes these loans were intended to produce.²⁴

The World Water Council, a body formed by the United Nations and the World Bank, encourages privatization as an “option” and calls for transparent negotiations of private contracts.²⁵ However, the World Bank and the IMF

take this “option” away from developing countries by conditioning loans and foreign aid on privatization of water services. A country that is desperate for these aid packages is put in an extremely difficult position. Especially in governments that suffer from corruption, the competition is not transparent and any “bidding” is essentially a farce.²⁶

In the following analyses of the Bolivian and South African privatization schemes, women are shown to bear the greatest burden in World Bank and IMF-pressured privatization projects.²⁷ If these lending institutions desire a reduction in poverty, then placing unmitigated burdens on the

21. World Bank, About Us, <http://www.worldbank.org> (follow “About” hyperlink) (last visited Aug. 26, 2006).

22. The World Bank offered the city of Cochabamba, Bolivia, a \$19 million loan to improve its water system *if* the city agreed to privatize the utility. CANADIAN CATHOLIC ORG. FOR DEV. & PEACE, TREACHEROUS CONDITIONS: LIFE BEFORE PROFIT! (2004), *available at* <http://www.devp.org/testa/current/fall04/Back304-e.pdf> [hereinafter CANADIAN CATHOLIC].

23. See PUB. CITIZEN, WATER PRIVATIZATION FIASCOS: BROKEN PROMISES AND SOCIAL TURMOIL 2, 4-5 (2003), *available at* <http://www.citizen.org/documents/privatizationfiascos.pdf>.

24. U.S. Interfaith Trade Justice Campaign, Debt Rooted in Unfair Trade, http://www.tradejusticeusa.org/issues/debt/unfair_trade.htm (last visited Aug. 26, 2006).

25. Naegele, *supra* note 4, at 110-11.

26. *Id.* at 111.

27. Women in developing countries are the water suppliers. Women and girls gather the day’s water, care for the elderly with that water, and feed children with it. The responsibility of water provision rests on women within most developing world social structures. Mae V. Buenaventura, *Women and Water Privatization*, http://www.citizen.org/cmep/Water/cmep_Water/reports/philippines/articles.cfm?ID=12035 (last visited Aug. 26, 2006).

traditional water suppliers, women, seems an inappropriate and calamitous plan.

A. *Cochabamba, Bolivia: The Price of Life*

Bolivia, the poorest country in Latin America and one of the poorest nations in the Western Hemisphere,²⁸ succumbed to World Bank pressure to privatize the water system in Cochabamba in 1999.²⁹ The Bolivian government agreed to a forty-year lease with Aguas Del Tunari (Aguas), a subsidiary of the California-based Bechtel Corporation and the only bidder on the contract.³⁰ The contract gave Aguas complete control of Cochabamba's water system, including control over residential systems and water rights throughout the city, and guaranteed it a fifteen percent return on its original investment.³¹

Aguas's rights to the area's water did not stop at pipelines. Aguas also controlled the rural wells built independent of government aid³² and forced citizens to purchase rainwater collection permits.³³ In an area where family income totaled less than \$100 per month, rural families and the mothers who supported them suffered the greatest.³⁴ Although championed as one of the World Bank's attempts to reduce poverty, water bills increased by up to 400% for citizens of Latin America's poorest country.³⁵ The price of water surpassed the price of food in the family budget, which meant that mothers were faced with a decision: hunger or thirst?³⁶

The people of Cochabamba refused to live under a regime of forced impoverishment and organized peaceful protests against the Bolivian

28. Frontline, World Facts at a Glance, <http://www.pbs.org/frontlineworld/stories/bolivia/didyouknow.html> (last visited Aug. 26, 2006).

29. Shultz, *supra* note 11; Naegele, *supra* note 4, at 124.

30. Naegele, *supra* note 4, at 124.

31. *Id.* at 124-25.

32. *Id.* at 125. Generations of tradition were denied by Bechtel. An indigenous people of Brazil, the Quecha, had operated community wells for generations. These wells were communal; every member of the community was assured adequate water. But the new laws destroyed this tradition by installing water meters to determine payments, with all profits flowing to Bechtel. CANADIAN CATHOLIC, *supra* note 22.

33. Naegele, *supra* note 4, at 125.

34. *Id.*

35. CANADIAN CATHOLIC, *supra* note 22. The money spent on water bills after the Bechtel privatization comprised one-third of Cochabamba citizens' income. The increase in payment could feed an area family of six for ten days. *Id.*

36. Naegele, *supra* note 4, at 125.

government and the corporation it sanctioned.³⁷ However, the Bolivian government reacted to these peaceful demonstrations with military force, leaving a 17-year-old boy dead from a gunshot wound to the face and over 170 people injured.³⁸ Eventually the Bolivian government dissolved the privatization contract and Bechtel promptly filed suit for breach of contract, claiming an entitlement to \$25 million in lost future profits.³⁹ After years of public outrage over the Bechtel-Cochabamba controversy and the secretive hearing proceedings before the World Bank's International Centre for the Settlement of Investment Disputes, Bechtel dropped its suit against Bolivia.⁴⁰ Seen as a triumph by human rights activists, Bechtel's decision to drop the case due to public pressure reinvigorates the prospect of global outrage reshaping answers to sustainable development.

However, global outrage is not enough for the millions of women currently struggling under the burden of privatization. The calamitous privatization scheme in Bolivia must be analyzed not only for what it says about utility privatization as a whole, but also for what it illuminates: a patriarchal system that results in gender discrimination. The difficulty lies in gender contributions' invisibility in a macroeconomic evaluation; female control over water supply within the household is rarely taken into consideration in any government or international study of privatization effects.⁴¹ This largely invisible control leads to an equally shadowed burden when water privatization is at issue. Whereas women were once the bearers and providers of water, privatization forces women to balance the demands of their maternal instincts by forcing a choice between clean water and cheap water. Add to this the maternal heartache of child mortality and its links to water sanitation, and the burden of water privatization takes on a lethal edge.⁴²

The burden of water privatization on women is not only one of maternal imbalance. Women and girls around the world spend millions of hours transporting water to their homes.⁴³ In Cochabamba, and around

37. Jim Shultz, *Economic Globalization vs. Human Rights: Lessons from the Bolivian Water Revolt* (Apr. 30, 2003), <http://www.indiaresource.org/issues/water/2003/lessonsfrombolivia.html>.

38. *Id.*

39. *Id.*

40. *Id.*; Democracy Ctr. On-Line, *Bechtel vs. Bolivia: The People Win!!* (Jan. 19, 2006), <http://democracyctr.org/newsletter/vol69.htm>.

41. Elizabeth Peredo Beltrán, *The Women of Cochabamba Valley: Water, Privatization and Conflict* (Executive Summary) 1 (2004), http://menschen-recht-wasser.de/downloads/Elizabeth_Pedro_Beltran_Water_Privatization_and_Conflicts_in_Bolivia.pdf.

42. Brouillet, *supra* note 7.

43. *Id.*

the world, the outcome of water privatization was one of discrimination; the hours women spent searching for cheap water meant hours away from education and employment.⁴⁴ Inspiringly, many of the women who were employed, especially those working in irrigation, played an active role in the “water revolt” that eventually led to the Bechtel contract dissolution.⁴⁵ Their voices, eventually, were heard by the international community and contributed to the global outrage that drove Bechtel to drop its suit against Bolivia.

The Cochabamba experience was one of tragedy. A teenage boy was shot, and over 170 people were wounded during a “peaceful” protest.⁴⁶ Families were forced to spend one-third of their income on a resource many had once received inexpensively.⁴⁷ Women were left with the burden of deciding how to pay for trebled water prices: whether to spend less on food to allay their family’s thirst or whether cheaper, potentially unsafe water was worth the risk of illness and death.⁴⁸ Women, in essence, were left with the sometimes lethal decision of where and how to obtain water, a burden that left their maternal instincts in a dangerous limbo between cost-effective budgeting and the pursuit of safe water.

Despite the tribulations of the Bolivian community, many human rights activists have looked at Cochabamba as a watershed moment demonstrating the ability of oppressed communities to revolt against the governmental and corporate powers that deny them reasonable access to clean water.⁴⁹ Chief among the inspirational documents is the

44. Buenaventura, *supra* note 27.

45. Beltrán, *supra* note 41, at 5.

46. Shultz, *supra* note 37.

47. CANADIAN CATHOLIC, *supra* note 22.

48.

Poor water quality continues to pose a major threat to human health. Diarrhoeal disease alone amounts to an estimated 4.1% of the total DALY [Disability-adjusted life-year is an evaluation by the World Health Organization that determines the general health of a population based on illness, disability, and mortality, World Health Org., DALY, http://www.euro.who-int/eprise/main/WHO/Progs/CHHUNK/burden/20050315_3 (last visited Sept. 13, 2006)] global burden of disease and is responsible for the deaths of 1.8 million people every year. It was estimated that 88% of that burden is attributable to unsafe water supply, sanitation and hygiene and is mostly concentrated on children in developing countries.

A significant amount of disease could be prevented especially in developing countries through better access to safe water supply, adequate sanitation facilities and better hygiene practices.

World Health Org., Burden of Disease and Cost-Effectiveness Estimates, http://www.who.int/water_sanitation_health/diseases/burden/en/index.html (last visited Aug. 26, 2006).

49. See, e.g., Democracy Ctr. On-Line, *supra* note 40.

Cochabamba Declaration (Declaration), written by a delegation from Bolivia, the United States, Canada, India, and Brazil:

Farmers, workers, indigenous people, students, professionals, environmentalists, educators, nongovernmental organizations, retired people, gather together today in solidarity to combine forces in the defense of the vital right to water.

Here, in this city which has been an inspiration to the world for its retaking of that right through civil action, courage and sacrifice standing as heroes and heroines against corporate, institutional and governmental abuse, and trade agreements which destroy that right, in use of our freedom and dignity, we declare the following:

For the right to life, for the respect of nature and the uses and traditions of our ancestors and our peoples, for all time the following shall be declared as inviolable rights with regard to the uses of water given us by the earth:

1. Water belongs to the earth and all species and is sacred to life, therefore, the world's water must be conserved, reclaimed and protected for all future generations and its natural patterns respected.
2. Water is a fundamental human right and a public trust to be guarded by all levels of government, therefore, it should not be commodified, privatized or traded for commercial purposes. These rights must be enshrined at all levels of government. In particular, an international treaty must ensure these principles are noncontrovertable.
3. Water is best protected by local communities and citizens who must be respected as equal partners with governments in the protection and regulation of water. Peoples of the earth are the only vehicle to promote earth democracy and save water.⁵⁰

The Declaration is not legally binding and amounts to little more than a communal belief in water rights, but the Declaration and the village's victory over multinational Bechtel provide an important perspective on impoverished communities' communal power in taking on corporations.

B. Water Scarcity, Cholera, and Women: South Africa's Privatization Nightmare

South Africa is a water scarce country . . . twenty-one million people—half the country's population—lack adequate sanitation. Seventy percent of urban blacks do not have access to running water and are forced to rely on

50. Cochabamba Declaration (Dec. 8, 2000), <http://www.nadir.org/nadir/initiativ/aggp/free/imf/bolivia/cochabamba.htm>.

severely contaminated river systems for their daily water needs. The water used by residents in informal settlements tends to have the highest concentrations of suspended solids and the highest level of fecal bacterial contamination. The wider health of South African society is at risk as the probability rises in these settlements of epidemics of cholera⁵¹

The water dilemma in South Africa is one of the worst on the planet. Physical water scarcity exacerbates an already dangerous environment of income stratification, racism, and gender discrimination.⁵² Add to this the growing AIDS epidemic, which weakens the immune system of many who drink the unsafe water, and mortality rates skyrocket.⁵³ According to the World Bank, the solution to this quagmire is private investment, private control, and private distribution of water.⁵⁴ But in an already severely stratified environment, water distribution and strict payment models only serve to further subjugate the poorest of the community. Women, the traditional water suppliers, may also face a new lethality—cholera.

In 2000, six years after the dismantling of apartheid, the new South African democracy was proud of its water access progress. That year, eighty-six percent of South Africans enjoyed better access to water than they had during apartheid.⁵⁵ But this improved access was financed with profits flowing to water powerhouses like Suez.⁵⁶ South African municipalities were lobbied heavily by private water companies and pressured to follow the World Bank's "advice" to privatize their water systems with contracts from the powerhouses.⁵⁷

In Ngwelezane, South Africa, that "advice" led to thousands of families being cut off from their water source.⁵⁸ The nine area water taps were metered and families were required to pay a \$5 fee to obtain water,

51. Valerie Percival & Thomas Homer-Dixon, Am. Ass'n for the Advancement of Sci. & the Univ. of Toronto, *Environmental Scarcity and Violent Conflict: The Case of South Africa* (Oct. 1995), <http://www.library.utoronto.ca/pcs/eps/south/sa1.htm> (citations omitted).

52. *Id.* Income stratification, racism, and gender discrimination seem mixed in the same bad blood. The wealthy, who often pay less for water than the poor, cannot fathom digging for water. And the burden on women, the diggers of these makeshift wells, is largely ignored. See Schreiner, *supra* note 17.

53. Peter Ashton & Vasna Ramasar, *Water and HIV/AIDS: Some Strategic Considerations in Southern Africa*, in *HYDROPOLITICS IN THE DEVELOPING WORLD: A SOUTHERN AFRICAN PERSPECTIVE* 217, 223 (Anthony Turton & Roland Henwood eds., 2002).

54. Naegele, *supra* note 4, at 108-09.

55. Public Citizen, South Africa, http://www.citizen.org/cmep/Water/cmep_Water/reports/southafrica/ (last visited Aug. 26, 2006).

56. See Bill Marsden, *Cholera and the Age of the Water Barons* (Feb. 3, 2003), <http://www.publicintegrity.org/water/report.aspx?aid=44>. Suez is a French company. *Id.*

57. *Id.*

58. Naegele, *supra* note 4, at 128.

which only a little over one-third of the families could afford.⁵⁹ Prepaid meters were one of many culprits in the escalating tragedy. In order to get water, families prepaid a certain sum, using a sort of debit card at the meter that dispensed the allowed amount of water.⁶⁰ Many times the meter would break down, causing families to go without water and to lose their money.⁶¹

“The pre-paid meter is without a doubt the most insidious device”
“What it does is create a self-imposed cut off. Somebody will go out and say, ‘Well I can only afford 40 Rands worth of water this month and therefore that is all that I am going to buy.’ And that may have absolutely no relationship to what they actually need to lead healthy and productive lives. The municipality loves it and private sector providers love it because it avoids the kindsof [sic] hassles and costs associated with trying to collect the money and it also deflects the bad publicity away from them of having to go in and cut them off.”⁶²

Without the ability to purchase enough water for survival, and without the ability to access water due to broken pumps, a climate for disease and disaster was imminent.⁶³

Death by cholera is a quick and often messy affair. Bacteria attack the intestines and the body loses fluids at a rapid pace, causing death within hours in some cases.⁶⁴ In the past, cholera popped up sporadically in South Africa without much fanfare.⁶⁵ However, it quickly became apparent that the cases beginning in 2000 were not of the ordinary, sporadic variety.⁶⁶ By 2002, the cholera epidemic claimed 300 lives and affected 350,000 others in the Ngwelezane area.⁶⁷ Cholera, a preventable disease, is contracted through the use of unsafe water. For this reason, many attributed the epidemic to corporate water connection cut offs.⁶⁸ Ngwelezane sits on the banks of Lake Emsshulatuzi, a highly polluted water source, and when residents were denied access to clean water, they went to the lake and neighboring ponds and streams to get what they needed.⁶⁹ In the shadows of the disease stood the women of the village: forced to gather polluted water, forced to subject their children to unsafe

59. *Id.*

60. Carty, *supra* note 12.

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

65. Marsden, *supra* note 56.

66. *Id.*

67. Carty, *supra* note 12.

68. *Id.*

69. *Id.*

feeding conditions, and forced to sacrifice their own health and the health of their families. Women were once again the bearers of the burden, easily forgotten and unquestionably abused.

When pipes break down or water is shut off due to lack of payment, women are left with an empty bucket. Women remain responsible for providing potable water and they make choices to address that burden. Where a woman once spent several minutes collecting water at a public faucet, she now spends several hours walking to and from distant water sources.⁷⁰ If women are unable to find safe water at a distant location, they are compelled to purchase the water at exorbitant prices, cutting into the budget allocated for food, clothing, and other necessities.⁷¹ Additionally, the increased time and/or money required to provide water means that women spend less time on education, employment, or simple enjoyment of life.⁷²

These stresses on the female experience are welcome compared to the stresses caused by illness and death. Cholera is especially lethal to children and the elderly, the two groups most often cared for by women. Not only do women find themselves working twice as hard to provide water for their families, but when adequate resources are unattainable they become nursemaids, often to the detriment of their own health.⁷³ The recent cholera epidemic is just one example of the escalating burden on women. From a sheer statistical standpoint, the 259 people who died from cholera in Ngwelezane, the Eastern Cape, and Johannesburg between 2000 and 2002 stands in marked contrast to the 78 people killed from the disease in the region in the *two decades* prior to the epidemic.⁷⁴ The burden on women to care for ill family members is but one example of water privatization's continuing role in the subjugation of South African women.

III. *COMMENT 15*: THE FAILURE OF A RIGHTS-BASED ANALYSIS IN ADDRESSING GENDER DISCRIMINATION IN WATER PRIVATIZATION SCHEMES

In 2002, the United Nations Committee on Economic, Social and Cultural Rights issued *General Comment No. 15 (Comment 15)* on the

70. Int'l Fund for Agric. Dev., Rural Women's Walking Time, <http://www.ifad.org/gender/learning/role/workload/walkingtime.htm> (last visited Aug. 26, 2006).

71. Renu Mandhane, *What Is the Effect of Water Privatization on the Right to Water?*, <http://www.awid.org/go.php?stid=822> (last visited Aug. 26, 2006).

72. *Id.*

73. *Id.*

74. Naegele, *supra* note 4, at 128.

right to water. *Comment 15* states, “Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.”⁷⁵ From this language one would assume that a human right to water was a right well-recognized by the international community. But there is no legally binding assertion of a human right to water.⁷⁶ Instead, the “right” to water is seen as a sovereign state’s responsibility, one encouraged by the United Nations’ recognition of water’s importance but not forced by such recognition.⁷⁷

State sovereignty, in a perfect world, is a champion of human rights. The sovereign state declares the right, protects the right, punishes those who violate the right, and creates legislation that makes the right obtainable by its citizens. However, in reality, the sovereign state, despite its potential for creating an equal recognition of rights amidst both genders, often exists on a continuum of subjugation, dividing what should be blanket rights between men and women.⁷⁸ One international feminist legal theory describes the state as a patriarchal entity:

At the international level, the state government or authority occupies the same position as the family patriarch. . . . [M]en are positioned as the relevant political actors, operating in the public sphere on behalf of (their) women who remain hidden in the private sphere. In addition, the principle of non-intervention in the domestic affairs of states is analogous to the arguments about the ‘sanctity’ of the home, justifying its immunity from external regulation.⁷⁹

This concept defines the state as one more in a long line of oppressors, “[the theory] constructs patriarchy—and the nation state—as a monolithic entity equally benefiting men at the expense of women; a sort

75. U.N. Econ. & Soc. Council, Comm. on Econ., Soc. & Cultural Rights, *Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights—General Comment No. 15 (2002)* ¶ 1, U.N. Doc. E/C.12/2002/11 (Jan. 20, 2003) [hereinafter *Comment 15*].

76.

[T]he right to water has yet to become a binding human right. No international instrument or convention deals exclusively with water, and the international community has not signaled that such an instrument is being developed. Furthermore, few countries have taken concrete steps to address the importance of water in their national legislation and agendas.

Pejan, *supra* note 2, at 1182.

77. *Id.* at 1181-82.

78. Buss, *supra* note 14, at 375.

79. *Id.* at 374 (citation omitted).

of international male conspiracy.”⁸⁰ But perhaps that unnaturally simplifies the situation, placing every entity into separate roles with distinct preferences.

The problem with relying on state sovereignty to declare and protect a human right to water lies not in the potential patriarchy of states, but in the fact that developing nations often lack true sovereignty.⁸¹ Sovereignty is defined as “[t]he supreme political authority of an independent state,”⁸² but national independence in the developing world is rare in view of the intermingling of economic and sustainable development.⁸³ Third and fourth world countries struggle to maintain a modicum of economic viability, so their reliance on international investment is especially fierce.⁸⁴

Imperialist globalization of the past did not recognize the sovereignty of protectorates or colonies. In contrast, neo-imperialist globalization today employs weak client states with restricted sovereign rights as proxies of the strong market state to enforce its exploitative agenda worldwide.

Neo-liberal ideology is implemented through a venue of integrated global markets, free flow of capital and credit, wholesale deregulation and mandatory structural pro-market conditionalities imposed on weak and poor economies. It strips states of their sovereign authority to intervene in markets on behalf of national interests, causing state authority to collapse in all area [sic] except the protection of foreign and domestic private property. Failed states depend on globalized market fundamentals to finance their state functions and inevitably fall into collapsed-state status for lack of funds.⁸⁵

State sovereignty takes a back seat to state economic growth. In the desperate pursuit of economic health, nations ignore the rights they could declare or have already declared (e.g., the right to water, women’s rights) in favor of development aid and international investments.⁸⁶

The subservience of the sovereign state in the developing world to the international corporate actor denies the viability of a rights-based

80. *Id.* at 375 (citation omitted).

81. See Nils Rosemann (Jena), *From the Principle of Democracy to a Right of Participation? Democracy Under International Law* 3 (Nov. 30, 2003), <http://www.kakanien.ac.at/beitr/fallstudie/NRosemann1.pdf>.

82. BLACK’S LAW DICTIONARY 1430 (8th ed. 2004).

83. See Rosemann (Jena), *supra* note 81, at 3.

84. See NILS ROSEMAN, FRIEDRICH EBERT STIFTUNG, *THE UN NORMS ON CORPORATE HUMAN RIGHTS RESPONSIBILITIES: AN INNOVATING INSTRUMENT TO STRENGTHEN BUSINESS’ HUMAN RIGHTS PERFORMANCE* 10 (2005).

85. Henry C.K. Liu, *World Order, Failed States and Terrorism: Part 1: The Failed-State Cancer* (Feb. 3, 2005), http://atimes01.atimes.com/atimes/Global_Economy/GB03Dj01.html.

86. *Id.*

analysis of water privatization's impact on women's rights. Another weakness of the rights-based perspective in evaluating water rights lies in the scarcity of the resource itself. Indeed, *Comment 15* declares that the "human right to water is indispensable for leading a life in human dignity."⁸⁷ But it also describes the resources as "limited,"⁸⁸ and this is the word that should be evaluated. *Comment 15* imposes three obligations on states for recognizing a human right to water: "obligations to *respect*, obligations to *protect*, and obligations to *fulfill*."⁸⁹ But these obligations should only exist if the state is *capable* of fulfilling such obligations. In the third and fourth world environments of physical resource *and* economic scarcity,⁹⁰ states do not have the immediate resources to *respect*, *protect*, and *fulfill* their obligations under *Comment 15*. The "right" championed by *Comment 15* and entrusted to sovereign states loses its international puissance due to struggling states' inability to live up to their obligations.⁹¹ A rights-based approach becomes inefficient in light of this legal impotence.

IV. THE VOICE THAT WILL MAKE THE DIFFERENCE: FEMINIST LEGAL THEORY AND WATER PRIVATIZATION

One must assume that those who made the laws, being men, discriminated in favour of their own sex, as women might have done had they been in their place. As far as women are concerned, laws were made from the time when societies were founded in the same way as they are today; thus lawyers—who also had their own prejudices—have attributed to nature a distinction which derives only from custom.⁹²

Feminist literature in the international human rights context can be broken into two spheres: the analysis of male-dominated human rights legislation language and implementation, and the analysis of

87. *Comment 15*, *supra* note 75, ¶ 1.

88. *Id.*

89. *Id.* ¶ 20 (emphasis in original).

90. U.N. Interim Sci. Council Secretariat, Food & Agric. Org., Consultative Group on Int'l Agric. Research, *Discussion Paper: Water and the CGIAR* 3-4, U.N. Doc. SDR/TAC: lar/01/23A Rev. 3 (Oct. 2002).

91. While there may be international agreement in some contexts on the importance of the right to water, many nations still face difficulties implementing that right. See Henri Smets, *The Right to Water at the 4th World Water Forum in Mexico* (Apr. 13, 2006), http://www.academie-eau.org/IMG/pdf/EPL_MEX.CWk_TEXTE_.pdf.

92. FRANÇOIS POULAIN DE LA BARRE, *THE EQUALITY OF THE SEXES* 82 (Desmond M. Clarke trans., Manchester Univ. Press 1990) (1673). Poulain's work (*Discours Physique et Moral de l'Égalité des deux Sexes, où l'on voit l'Importance de se dé des Préjugés*) was first published in Paris in 1673 and was largely ignored for 200 years. Poulain argued that women's social subordination was one of custom and history, not of incapacity. *Id.* at 26-27.

international legal structures and how they subjugate women.⁹³ While both areas are important roads to illuminate, both fail to break out of a legal context. Both directions center on a rights-based approach to female representation and support, focusing on how female “rights” are denied in different contexts and by different patriarchal systems.⁹⁴ The water rights of women and the poor are not concrete, justiciable rights; a rights-based analysis does not grasp the nature of the dilemma. Instead, a feminist analysis must be centered squarely on the independent female experience within a given context, not on a microcosm-based analysis of female subordination as a globally uniform issue.⁹⁵

In the following Part, feminist theory will be presented as a problematic but potentially beneficial theory for female recovery amidst privatization schemes. Water privatization’s negative impact on women, as shown in the microcosms of the Bolivia and South Africa examples, requires a serious approach, and it is imperative that the solution created not further subordinate the role of women. Some feminist thought based solely on a Western-inspired notion of gender and female involvement in politics only serves to reinforce the patriarchal nature of developed nations towards their developing counterparts.⁹⁶ This patriarchy must be eliminated, and a new feminist analysis based in the experiential environment of subjugated women⁹⁷ must be embraced if the effects of water privatization are to be addressed in a productive, solution-centric manner.

A. *Illuminating Gender Globally and Locally*⁹⁸

Water privatization occurs at the global and local levels. Globally, decisions are made by transnational corporations and nations, taking into

93. Buss, *supra* note 14, at 362-63.

94. *Id.*

95. *Id.* at 363.

96. *Id.* “Third World feminists are placed in the difficult position of having to challenge not only the patriarchal voice of the Third World, but also the ‘western rationalist language of the law.’” *Id.* (citation omitted).

97. See generally Cindi Katz, *On the Grounds of Globalization: A Topography for Feminist Political Engagement*, 26 SIGNS 1213, 1223-24 (2001) (discussing changes in women’s experience with education and work).

98. Carla Freeman analyzed gender with the idea that the theory behind local analysis was feminine as compared to the masculine macroeconomic global theory. She used the Caribbean environment and female experience among marketers, evaluated the effect of both assumptions, and came to the conclusion that deeming local theory as “feminine” and global theory as “masculine” ignored elements of both theories. Instead, Freeman encouraged an analysis that addressed the feminine presence in the global arena and the masculine elements of formality and production with the local context. Carla Freeman, *Is Local:Global as Feminine:Masculine? Rethinking the Gender of Globalization*, 26 SIGNS 1007, 1012-13 (2001).

account (hopefully) international human rights declarations and the experience of the global community. At the local level, water privatization occurs within villages and cities, restructuring who receives water and for what price, designing and implementing cost-effective strategies for providing water and making a profit, and impacting families in positive and negative ways. Feminist theory has addressed both realms but has failed to unify the two into a cohesive structure of female experience. How do the two realms relate? What perspective do they give on water privatization? How does the impact of water privatization on women at the local level influence the global perspective? These are questions that feminist thought must answer if a global solution to privatization risk is to be found.

Globalization's impact on women's rights has been evaluated in innumerable papers and studies. During the 1970s and 1980s, scholars theorized that female subordination around the globe was communal, with subordination stemming from systematic patriarchies that differ only in logistics, not practice.⁹⁹

Although women throughout the world experience oppression differently, because of variations in race, history, culture, and so on, it is argued that we are unified by a universal devaluation of all things female. This universal oppression is manifested through a 'pattern' of privileging the male, public sphere over the private, female sphere. The exclusion of women from the international sphere . . . facilitates their oppression in the domestic sphere.¹⁰⁰

In essence, some feminists argued that the varying *logistics* of patriarchal oppression did not matter; instead, the *experience* of oppression was a unifying concept that created a communal subjugation of all women.¹⁰¹ However, the logistics of a patriarchal system are integral to a valid analysis. Feminist international theory cannot ignore the differences in perspective in looking at the World Bank, the United Nations, and transnational corporations from a first world suburban landscape, on one hand, and a third world irrigation ditch, on the other. The local and

99. Karen M. Booth, *National Mother, Global Whore, and Transnational Femocrats: The Politics of AIDS and the Construction of Women at the World Health Organization*, 24 FEMINIST STUD. 115, 117-18 (1998). After the World Health Organization announced the need to focus on women's experience in relation to AIDS, many feminists believed this was the hoped-for moment of global attention to female subjugation, that this was the starting point for global awareness and promulgation of women's rights. Karen Booth evaluates why this failed to be the case, what was lacking in the feminist perspective and the environment at hand to encourage such global attention. *Id.* at 115-19; Hilary Charlesworth, Christine Chinkin & Shelley Wright, *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613, 621 (1991).

100. Buss, *supra* note 14, at 366 (citations omitted).

101. *Id.*

private experience of oppression colors the global perspective in a way that cannot be equated across continental or economic lines. This is the problem.

The global perspective is seen as harmonizing multiple experiences into a tidy package, making large scale goals more accessible to policy makers by allowing them to focus on one specific issue as opposed to countless sub-issues.¹⁰²

Global constructions look beyond conventional understandings of who the policy maker should be, where policy knowledge should come from, and what the appropriate locations for policy debates are. The possibilities lying within global conceptions of feminist politics are extremely important today, as diseases, oppressive labor practices, and environmental degradation are increasingly crossing national boundaries and escaping national control.¹⁰³

However, attempts at creating change through multilateral agreements are still dependent on state implementation. To rely on a global voice to create a solution leaves out the most important factor of that solution: enforcement. As previously noted, state sovereignty in the context of water privatization and under the pressure of World Bank loan requirements is a shaky concept.¹⁰⁴ Global focus denies not only individual and local experience, but the power structure required in order to improve that experience.

The momentum of international feminist thought is driven by activists who feel a bond with the women they seek to liberate from oppression. A woman sitting on her couch in Minneapolis or Madrid watches a news special on women struggling to provide clean water for their children, she sees the emaciated bodies, she sees the shack shared by twelve people, and she is struck by a “that could have been me” nightmare.

Certainly, most of us can only imagine the agony of not having enough food to feed one’s children—I once interviewed a woman who described to me how her mother used to lie them in the sun when they were children in order to warm their bellies to make them feel less hungry.

Most of us can only imagine how difficult it must be to study for matric by candlelight in a room shared with several other people.

Most of us can only imagine how demoralizing it must be to be unable to find employment, no matter how hard you want to work.

102. Booth, *supra* note 99, at 135.

103. *Id.*

104. Buss, *supra* note 14, at 375.

Most of us can only imagine how depressing it must be to lose your job and be forced to return to the rural areas with nothing, to live off a marginal, fragile piece of land.¹⁰⁵

This propels women (and men) to action. This gets the word out, gets the work done. But the communal nature of activism is not a mirror for experiential oppression. Feminist thought cannot lose rationality in the passionate race to liberate the world from the patriarchy of privatization. Instead of focusing on equating experience, feminist theory should be fighting to equate response time and to equate awareness. Female experience in the developing world in relation to water privatization should not be evaluated as a static entity, but as a continuum of opportunity for change. Within the experiences of women suffering under privatization lies the solution to individual struggles. Nongovernmental organizations (NGOs) should be looking to that individual experience, within a community context, to design a solution.

B. Enforcement Without Rights? Community-centric Activism and the Feminist Initiative

“Water resource planning in a democratic society must involve more than simply deciding what big project to build next, or evaluating what scheme is most cost effective from a narrow economic perspective. Planning must provide information that helps people to make judgments about which “needs” and “wants” can and should be satisfied. Water is a common good and a community resource; but it is also used as a private good or economic commodity; it is not only a recreational resource but also a basic necessity of life; it is imbued with cultural values and plays a part in the social fabric of our communities. Applying new principles of sustainability and equity can help bridge the gap between such diverse and competing interests.”¹⁰⁶

The residents of Cochabamba were denied adequate water access through excessive pricing.¹⁰⁷ Their revolt led to a victory not only in the immediate community as the water system lease was dissolved and Bechtel withdrew, but also in the international legal community when Bechtel dropped its suit under global pressure.¹⁰⁸ This sort of global

105. Schreiner, *supra* note 17.

106. *Id.* (quoting Peter Gleik).

107. Naegele, *supra* note 4, at 125.

108. Democracy Ctr. On-Line, *supra* note 40.

Thousands sent e-mails to corporate executives. Protesters in San Francisco blocked the entrance to Bechtel's headquarters, occupied its lobby, and draped a banner across its front. Dutch activists mounted a ladder and posted a sign renaming Bechtel's Amsterdam office after Victor Hugo Daza, the 17-year-old killed in Cochabamba. The

response to community outrage is a perfect example of the method by which corporations will determine their responsibility level in privatization projects. Due to questionable state sovereignty under corporate pressure, multinational institutions will be called into question not by the countries in which they privatize, but by the global community in reaction to local community outrage. Attention to water privatization's subjugation of women should be drawn by female voices, with an eye toward fomenting change via informal politics.¹⁰⁹

Legislation is a boy's club.¹¹⁰ Women are generally relegated to the domestic environment, left to suffer the ill effects of privatization while their male counterparts reap the benefits, or at the least, passively allow privatization to negatively impact women and the poor in complete subservience to dominant corporate entities. Women, therefore, must create their own realm of rule-making to fill the void left by impotent international legal concepts such as *Comment 15*.

Feminists' recognition of the grassroots' informal politics, the main arena of poor women's activism, has usefully expanded the notion of politics and has challenged the binary constructs of formal and informal that recognized only formal politics, dominated by men, as "real" politics. The significance of forms of political action taken by women and disadvantaged population through informal arenas has been made clear.¹¹¹

International law, dominated by male actors, has been skittish to embrace feminist theory as issues of nation building, states' rights, and

San Francisco Board of Supervisors approved a resolution calling on Bechtel to drop its case.

More than 300 organizations from 43 countries joined in a citizens petition to the World Bank demanding that the case be opened to public scrutiny and participation. Activists in Washington DC protested at the home of the head of Bechtel's water company. Hundreds of articles and dozens of documentaries were published and produced worldwide, making Bechtel and its Bolivian water takeover a poster child of corporate greed and abuse.

Id.

109. Faranak Miraftab compares the male-dominated field of formal politics and the feminist-friendly arena of informal politics which is largely dominated by the poor, the oppressed, and the activists that champion their rights. Faranak Miraftab, *Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists' Expanded Notion of Politics 1* WAGADU 1, 1-3 (2004), <http://web.cortland.edu/wagadu/volume%201/Printable/universe.pdf>.

110. Women routinely make up a disappointing percentage of both developed and developing country legislatures. Figures for South Africa and Bolivia are not provided in this report, but the report gives a broad view of the sad fact that women do not have the law-making voice possessed by their male counterparts. U.N. DEV. PROGRAMME, HUMAN DEVELOPMENT REPORT 2005—INTERNATIONAL COOPERATION AT A CROSSROADS: AID, TRADE AND SECURITY IN AN UNEQUAL WORLD 303 (2005), available at http://hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf.

111. Miraftab, *supra* note 109, at 3 (citation omitted).

treaty formation have not been obvious forums for gender discussion.¹¹² For this reason, female voices have been weak in international law as the subject matter seemed to pre-suppose their equality (or at least their lack of a valid complaint) and have instead been strongest in areas where individual rights are at issue, such as women's rights, children's rights, and human rights.¹¹³

Having been "sent back to the kitchen" in the international context, that is where the feminist voice must focus its attention, in the home, in the community. Global entities such as the United Nations provide excellent starting grounds, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979.¹¹⁴ CEDAW acts as a bill of rights for women, or, that was its intention.¹¹⁵ Unfortunately, many of the countries who ratified CEDAW also made reservations, making their own constitutions and legislation superior to CEDAW requirements.¹¹⁶ Although a worthy and respectable first step on a road to equality, CEDAW loses power in the arena of water privatization due to the aforementioned reduction in state sovereignty and the reservations some states made to it. For this reason, feminist voices must gain strength within the community "kitchen." Their mounting persuasiveness in an increasingly internet-savvy international market only serves to reinforce the importance of their role in making women heard.

One benefit to the community-centric approach to feminist activism is an increased communal voice and a decrease in victim isolation.¹¹⁷

112. Charlesworth, Chinkin & Wright, *supra* note 99, at 614, 623.

113. *Id.*

114. Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, U.N. Doc. A/RES/34/180 (Dec. 18, 1979).

115. U.N. Div. for the Advancement of Women, Dep't of Econ. & Soc. Affairs, Convention on the Elimination of All Forms of Discrimination Against Women, <http://www.un.org/womenwatch/daw/dedaw/cedaw.htm> (last visited Aug. 27, 2006).

116. U.N. Div. for the Advancement of Women, Dep't of Econ. & Soc. Affairs, Reservations to CEDAW, <http://www.un.org/womenwatch/daw/cedaw/reservations.htm> (last visited Aug. 27, 2006). Some countries make reservations based on cultural or religious beliefs, while others state that their own laws pertaining to marriage, property, etc. will not be subservient to the Convention. See, e.g., U.N. Div. for the Advancement of Women, Dep't of Econ. & Soc. Affairs, Reservations to CEDAW, http://www.un.org/womenwatch/daw/cedaw/reservations_country.htm (last visited Oct. 9, 2006).

117. Aili Mari Tripp, *Rethinking Difference: Comparative Perspectives from Africa*, 25 SIGNS 649, 672 (2000).

The experience of African women's movements and organizations from South Africa, Kenya, Nigeria, Sudan, and Uganda shows a pattern of women's movements challenging the politicization of ethnicity, race, religion, and other societal divisions, especially where it has led to violence. Women have sought to build linkages around common gender concerns, overcoming enormous obstacles within their fractures

From an outsider's perspective, the communal grouping could be seen as patronizing. However, from within the communities themselves, creating a communal understanding that crosses national borders and plays down differences can be a useful tool in unifying many female concerns, one of which is the impact of water privatization on women's lives.¹¹⁸ From within communities in South Africa, Bolivia, Uganda, India, and the United States, women can speak with a louder voice and demand improved conditions. Given that the weakness of *Comment 15* has left many of the world's poorest women at the mercy of corporate giants, activists' best weapon is the individual struggle of each woman within a larger, communal context.¹¹⁹

V. CONCLUSION

*Water water, every where, Nor any drop to drink.*¹²⁰

Water is a necessity. Life cannot be sustained without it. Given no alternative, women will provide what water they can find, despite health hazards and cost inefficiencies. As populations soar and water availability plummets, developing countries will turn to new solutions to what is, in effect, a supply problem. Many countries, due to economic and political pressure from international lending institutions such as the World Bank and IMF, hope to find their solution in the privatization of their water systems.

But multinational corporate control of water places undue burden on the traditional water providers, women. Without strong sovereign legislatures to instigate and enforce water rights and women's rights, the poorest in developing countries are left with the choice of sacrificing what little money they have to pay exorbitant water prices or finding potentially unsafe water elsewhere. The experiences of communities in Bolivia and South Africa are not exceptions to the rule; the family burden of increased water prices and insufficient potable water are daily dilemmas in many privatization projects.¹²¹

societies. . . . They have seen their ability to transcend difference as a way of challenging the corruption and divisiveness of a patronage politics that has all too often been built along narrow ascriptive lines.

Id.

118. *See id.*

119. *See id.* at 649.

120. SAMUEL T. COLERIDGE, *THE RIME OF THE ANCIENT MARINER* 35 (Paul H. Fry ed., 1999) (1817).

121. Naegele, *supra* note 4, at 125, 128.

The feminist response to water privatization must be evaluated at a global and local level. The female voice is easily ignored in the international legal context because international law is supposedly gender-neutral and based on the interactions between states. If pseudo-sovereign states and their respective legislative bodies cannot fully support a female voice, then that voice must use its strongest outlet, community-based activism, as a platform and soapbox. Without patronizing third world experience by unifying it into a communal body, activists must find similarities in individual experience with which to create a communal strength. There is a void to be filled in the vacuum of responsibility between corporate privatization and the women it impacts. Where sovereign states ignore the void, or create it, activists must fill the space with community-based obligations, expectations, and outrage.