

Gender and Water on the Road to Rio¹ By Susan Bazilli and Olimar Maisonet-Guzmán² May 2012

INTRODUCTION

There is a crisis over the management of all the water resources in the world. .3 Water ecosystems are under increasing pressure from human activities and settlements, water has to travel longer distances to reach industries and cities, crop production is consuming increasing amounts of water, energy production draws on more and more water, all of which is exacerbated by rapid climate change.4 It is estimated that 884 million people lack decent access to water. 5 The World Commission on Water estimates that water use will increase by about 50 percent in the next 30 years and that by then, more than half the world population (approximately 5 billion people) will suffer from severe water stress. Water scarcity has several gendered elements. One of them, according to a 2011 report, is that "in almost three quarters of households without access to drinking water on the premises, women and girls have the primary responsibility for collecting water and in some countries the proportion is more than 90 percent."

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³UNDP, *Human Development Report 2006: Beyond scarcity: Power, poverty and the global water crisis* (New York: Palgrave Macmillan, 2006); International Hydrological Programme-UNESCO, *IHP-VII: Water Dependencies: Systems under Stress and Societal Responses* [2008-2013] (Paris: UNESCO-IHP, 2008); Division of Early Warning and Assessment - UNEP, *UNEP Year Book 2009: New Science and Developments in our Changing Environment* (UNEP, 2009).

⁴ Anton Earle and Susan Bazilli, "A Gendered Critique of Transboundary Water Management", *International Feminist Review* (Forthcoming, Spring 2012).

⁵ UNICEF-WHO and World Health Organization Joint Monitoring Program for Water Supply and Sanitation (, *Drinking Water Equity, safety and sustainability: JMP*) Thematic Report on Drinking Water 2011 (New York: UNICEF-WHO, 2011). ⁶ UNICEF-WHO, *supra* note 6.

RIO+20 AND WATER

Rio+20 presents an opportunity to renew Member States' water resources commitments and to propose more ambitious—but achievable—goals and targets. The proposed goals must address the current disparity in the implementation of national water strategies, including existing gaps in water management such as women's participation, gender mainstreaming, and implementing the human right to water and sanitation.

Water must be integrated into the two main stated themes for Rio +20 of the green economy⁷ and the institutional framework for sustainable development, and it is a priority area in the framework for action. The green economy framework must recognize that water is a finite resource and that all water users, including women, must be included in its management. Rio+20 must incorporate existing commitments into the frameworks of action that the Conference will be adopting.

According to many reports, the time-bound water-related commitments set by Agenda 21, the Johannesburg Plan of Implementation and the Millennium Development Goals are far from being implemented.⁸

THE HUMAN RIGHT TO WATER

In November 2002, the United Nations Committee on Economic, Social and Cultural Rights adopted General Comment 15 on the right to water, but it was not politically recognized until 2010. Comment 15 defined the right to water as: "the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses." Drawing on a range of international treaties and declarations, the United Committee also stated, "The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival." In 2008, the United Nations Human Rights Council created the mandate of the "independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation" to help clarify the scope and content of these obligations. The United Nations later adopted guidelines for realizing the rights to drinking water and sanitation and unifying principles for public action, which eventually led to the official recognition of the right to water.

In July 2010, the General Assembly of the United Nations voted in favour of a resolution to officially recognize people's access to safe and clean water as a human right. An overwhelming majority of 122 votes were cast in favour of the resolution, with 41 countries abstaining. As a result, the human right to water was incorporated in legally binding human rights agreements. Consequently, governments have the responsibility to provide all its citizens with access to safe water. These obligations also require Member States to ensure access to adequate sanitation and to protect the quality of drinking water supplies and resources.

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⁸ UNDESA, "Rio Issues Brief 11: Water" (2011). Online:

http://www.uncsd2012.org/rio20/index.php?page=view&type=400&nr=231&menu=45.

⁹ United Nations Committee on Economic, Social and Cultural Rights, *General Comment 15: The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, 20 January 2003, E/C.12/2002/11. Online: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/402/29/PDF/G0340229.pdf?OpenElement.

¹⁰ *Ibid.*

 $^{^{11}}$ Office of the United Nations High Commissioner for Human Rights (OHCHR), "The Right to Water: Fact Sheet No. 35," (New York: OHCHR, 2010). Online: http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf .

¹² United Nations, *World Water Development Report*, (New York: United Nations, 2010).

¹³ *Ibid*.

Specific obligations with water access and sanitation have also been recognized in the following international human right treaties:

- 1. The Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979 article 14 (2);
- 2. International Labour Organization Convention No. 161 concerning Occupational Health Services, adopted in 1985 article 5;
- 3. The Convention on the Rights of the Child, adopted in 1989 -articles 24 and 27 (3); and
- 4. The Convention on the Rights of Persons with Disabilities, adopted in 2006 article 28.

MEMBER STATES OBLIGATIONS AND THE RIGHT TO WATER

International human rights agreements have defined member states' obligation along three principles: to respect, to protect and to fulfil the rights to water and sanitation.¹⁴

To respect the right to water, states should guarantee that water resources are not polluted or that water and sanitation services are not disconnected. Most importantly, states cannot engage in behaviour that will threaten citizens' access to water, including prohibitive prices and destruction of existing infrastructure. In addition, countries should prevent third parties from interfering with citizens' right to water. This requires a strong regulatory regime consistent with other human rights that prioritize human consumption above other water uses. It is necessary for Member States to put in place safeguards to protect citizens' water access during the development of private-public partnerships, especially given the importance of private actors in the implementation of the Green Economy Framework proposed for Rio+20. Privatizing water resources poses one of the biggest threats to the water rights, ¹⁵ and will no doubt be a contentious issue in Rio discussions where human rights intersect with the 'green economy' theme.

The obligation to fulfil this right requires States to implement legislative and administrative frameworks to realize citizens' right to water, and the identification of factors that can hinder its realization. In 1995, the Food and Agriculture Organization proposed a framework for the assessment of water policies based on the 1992 Dublin Principles. The framework also utilized a human-based approach to identify possible factors such as economic policies and lack of public participation that indirectly hinder water management. The goal of the framework, which has been implemented in some river basins in Latin America and Europe, is to lessen conflict between water users, promote reliable water flows, and improve the quality of the human environment.

GENDER AND WATER MANAGEMENT

IWRM has been defined by the Global Water Partnership and the Gender and Water Alliance¹⁷ as a cross-sectoral holistic approach to water management, in response to the growing competing demands for finite freshwater supplies. It is an approach that aims to ensure the coordinated development of water, land, and related resources to optimize economic and social welfare without compromising the sustainability of environmental systems. Policy makers, analysts, international organizations, and governments have sought

¹⁴ OHCHR, 20082010, *supra* note 67.

¹⁶ Migues Solanes, M. and Fernando Gonzalez-Villareal, "The Dublin Principles for Water as Reflected in a Comparative Assessment of Institutional and Legal Arrangements for Water Resources Management", in *TAC Background Papers*, (Stockholm: the Global Water Partnership, 1999).

¹⁷ Resource Guide, at p.10.

consensus on principles to guide the setting of priorities, policy making and the elaboration of specific initiatives in IWRM. Key principles include:

- Water should be treated as an economic, social, and environmental good.
- Water policies should focus on the management of water as a whole and not just on the provision of water.
- Governments should facilitate and enable the sustainable development of water resources by the provision of integrated water policies and regulatory frameworks.
- Water resources should be managed at the lowest appropriate level.
- Women should be recognized as central to the provision, management and safeguarding of water.

Economic, social and development results cannot be optimized or sustained without explicit attention to women's and men's different needs and interests. Gender mainstreaming, the primary methodology for integrating a gender approach into water, environmental and sustainable development programmes, ¹⁸ is defined as "the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women, as well as of men, an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality." ¹⁹

In practice, gender mainstreaming means intentionally focusing on both women's and men's contributions and support needs, rather than assuming that both will benefit equally from gender-neutral development interventions. Within a project context, gender mainstreaming commonly includes identifying gaps in equality through the use of sex-disaggregated data, developing strategies and policies to close those gaps, devoting resources and expertise for implementing such strategies, monitoring the results of implementation and holding individuals and institutions accountable for outcomes that promote gender equality.²⁰

Uncoordinated water management policies result in environmental degradation from over-exploitation of water resources, inappropriate allocations among competing uses, inequitable distribution of benefits and burdens and inadequate operation and maintenance of infrastructure. Inadequate involvement of both women and men has hindered programmes and projects aimed at addressing sustainability in water resources management.²¹

Although many socially constructed barriers still need to be overcome in order to facilitate both women's and men's involvement in water resource decision-making and management, traditional gender roles have often been successfully challenged by developing women's capacities to manage water interventions, providing them with opportunities to fill leadership roles, and improving their economic conditions.²² Concrete examples of women's participation in water committees at the local level in Africa and Asia in 121

¹⁸ This section is adapted from *Resource Guide: Gender in Water Management.* Version 2.3 March 2009. UNDP and GWA. The Gender and Water Alliance, www.gwa.org, is a coalition of gender and water scholars and practitioners. GWA has worked closely with the UNDP in developing training materials. (Hereafter, *Resource Guide*).

¹⁹ Definition provided by the United Nations Economic and Social Council (ECOSOC) in 1997.See International Labour Organization, "Gender Equality Tool: Definition of Gender Mainstreaming." Online: http://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm

²⁰ Resource Guide, at 17.

²¹ *Ibid.* at 25

 $^{^{22}}$ Managing Water under Uncertainty and Risk, The United Nations World Water Development Report 4, Volume 1, 2012, at 110.

case studies illustrate that this has resulted in more effective rural water supply projects.²³ However, this has not been the case in transboundary water management where political participation is required at the national and transnational level, where women have not participated.

WATER, SANITATION AND HEALTH

Lack of basic sanitation and safe water is an acute problem for the women and girls and men and boys who live in poor and overcrowded urban slums and in the rural areas of the developing world. It is usually the women and girls who suffer most. Poor hygiene and lack of sanitation and water exacerbate poverty by reducing productivity, negatively affecting health and well-being and elevating health costs. With no toilets, many wait to relieve themselves until dark and they have to travel long distances to fetch water—often risking sexual violence. Lack of access to safe water and no separate toilet facilities at schools for boys and girls strongly correlates to girl's lower school attendance and higher drop-out rates.

Since 1990, over one billion people have gained access to improved drinking water and sanitation services. However, there are still 1.1 billion people using water from unimproved sources and 2.6 billion who do not have safe sanitation facilities. Safe water sources near homes reduce the drudgery of fetching water, mostly by women and girls, who disproportionately bear the burden of this chore—which can take several hours each day. Research has shown that climate change will severely exacerbate problems related to gathering water.²⁴

Evidence shows that water and sanitation services are generally more effective—and more sustainable—if women take an active role in designing, planning and operating facilities and programmes. In addition to managing technical and practical issues, women fill an important role in educating their families and the community about hygienic practices. Involving women increases management transparency, improves financial management, and empowers women by example. The World Bank produced an evaluation of 122 water projects, which found that a project's effectiveness was six to seven times higher when women were involved compared to when they were not.²⁵

Box 1: Political leadership

The Africa Ministers Council on Water (AMCOW) has produced a policy and strategy document to mainstream Gender in the Africa Water sector. The strategy document was developed in the context of the African Union's efforts to support gender mainstreaming, within development sectors including the water sector. The objectives of the AMCOW Gender Policy and strategy are to promote implementation of the African Ministerial Commitments on gender and water; initiate policy dialogue aimed at developing concrete action plans for mainstreaming gender in all activities developed in national water sector plans; create awareness for the importance of mainstreaming gender in water management for improving women's lives and sustainable development; and guide member states on the development and implementation of a National Gender Management System (GMS) that is relevant to the water sector.

From: AMCOW, ""Policy and Strategy for Mainstreaming Gender in Africa's Water Sector." (Kigali, GWP,2011).

²³ Resource Guide, at p. 14.

²⁴ Alyson Brody, Justina Demetriades and Emily Esplen, *Gender and Climate Change: mapping the linkages—A scoping study on knowledge and gaps*, prepared for the UK Department of International Development (UK: BRIDGE, Institute of Development Studies, 2008).

²⁵ For Her, supra note 22.

INSTITUTIONAL FRAMEWORKS

Many international and regional principles and conventions support the role of women and a gendered approach to water management.²⁶ However, these have not been translated into concrete action. The Global Water Partnership has identified three spheres of activity that must be concurrently developed and strengthened in order to ensure an effective water management system: i) an enabling environment, ii) institutional roles and iii) management instruments.²⁷

The enabling environment, or institutional framework, includes policies and laws that institutionalize the equitable development of men and women. Despite the adoption of many principles, goals, frameworks and conventions, there has been little implementation.

Principle 20 of the *Rio Declaration* (1992) states, "Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development". But while *Agenda 21* (1992) contains a chapter on women and sustainable development (Chapter 24) and a chapter on water management (Chapter 18) there are no direct linkages between these chapters.

The Dublin Principles, which were developed at the International Conference on Water and the Environment (ICWE) 1992, form the basis of good water management practice under the IWRM approach. They recognize in Principle Three the role of women, as noted above. This principle further states that "acceptance and implementation of this principle requires positive policies to address women's specific needs and to equip and empower women to participate at all levels in water resources programs, including decision-making and implementation, in ways defined by them

The Johannesburg Plan of Implementation of the 2002 World Summit on Sustainable Development (WSSD), paragraph 25(a), includes agreement by governments to: "... support capacity building for water and sanitation infrastructure and services development, ensuring that such infrastructure and services meet the needs of the poor and are gender sensitive."

The Women's Major Group's²⁸ inputs to the Rio+20 Zero Draft identify CEDAW as critical for the entire IFSD, including collection and use of gender analysis and sex-disaggregated data; improved institutional gender capacity; consultation with networks of gender experts partnering with women's organizations; and user-friendly involvement mechanisms that will enable grassroots women to participate in global, national and local dialogues.²⁹

Box 2: Women Place a Higher Value on Household Toilets, Cambodia, Indonesia, and Vietnam

A study by the Water and Sanitation Program for East Asia and the Pacific determined that women in Cambodia, Indonesia and Vietnam put a greater value on their household toilets than men do. The findings suggest that those promoting sanitation schemes should treat women as 'valued customers' and give them a greater voice in how toilets are planned and installed. Women in all three countries consistently gave higher total 'value for cost' scores to their toilets than men did. Women in Indonesia and Vietnam also mentioned more benefits than men did, including convenience, privacy and a clean home

²⁶ Global Water Partnership Technical Committee, "Gender mainstreaming: An essential component of sustainable water management," Policy Brief 3 (2006).

²⁷ Ibid.

²⁸ Agenda 21, through Chapters 37 and 28, established the concept of the nine "Major Groups": farmers, women, the scientific and technological community, children and youth, indigenous peoples and their communities, workers and trade unions, business and industry, non-governmental organizations, and local authorities.

²⁹ Women's Major Group inputs, "Input to "Zero Draft, *supra* note 66" Outcome Document: UN Conference on Sustainable Development (Rio+20)" (2011) at 5.

environment. However, there is also evidence that the extra work involved in keeping toilets clean and ready for use is falling on the women in the family. Women also exhibited greater interest in sanitation by initiating processes for acquiring family latrines in 18 of 24 communities in Cambodia and Indonesia.

From: Mukherjee, N., "Achieving sustained sanitation for the poor: policy lessons from participatory assessments in Cambodia, Indonesia and Vietnam." Jakarta, Indonesia, Water and Sanitation Program for East Asia and the Pacific, (2001).

GENDER-SENSITIVE WATER GOVERNANCE

'Water governance' refers to the range of political, social, economic, and administrative systems that are in place to develop and manage water resources and the delivery of water services. It comprises the mechanisms, processes, and institutions, through which invited stakeholders articulate their priorities, exercise their legal rights, meet their obligations, and mediate their differences. There is a need to adopt a comprehensive global perspective on water governance, incorporating international water law, in conjunction with domestic law and organizational frameworks. The World Water Forum has stated that we have a "crisis of governance, not a crisis of water".

Since the 1990s, the international community has recognized and accepted that good governance plays a significant role in improving livelihoods. Weak water management impacts negatively on poor women and men through unreliable services, limited access to services and higher costs for inefficient and ineffective services. Improved water governance has the potential to lead to more equitable water resources development and greater access. Persistent development problems, as well as the current and predicted water crises, reflect failures in governance.³³

Given that water is essential to meeting most of the Millennium Development Goals and the Sustainable Development Goals that are being negotiated; the solution is not only in developing new technologies and increasing supply, but also in managing the available resources effectively, efficiently and equitably. A major challenge has been the meaningful involvement of women and men—there is little attention to gender concerns in the water governance structures or processes. This problem needs to be addressed and constraints to mainstreaming gender in water institutions identified.

How communities value the choice of technology often impacts on the use of water. An irrigation pipeline is generally associated with an understanding of the "productive" use of water, and men have more influence than women over the utilization of such resources. In contrast, a hand-dug well is generally associated with women's domestic use of water. While this use can also be considered "productive", and provides benefits to women and men by providing water, the low-tech solution may not be given the priority. The decision-making mechanisms and politics associated with water allocations have different implications for men and women.

The involvement of women water users in public consultations and forums, demands specific attention and approaches. The current tools used in multi-stakeholder consultations are mainly suited for an educated, literate group, and will require adaptation for use at the local level. Many women in traditionalist social

³⁰³⁰ UNDP, "Water and Ocean Governance." Online: http://www.undp.org/water/about_us.html.

³¹ For a lively discussion of these issues see the special issue, "Global Governance of Water: Trends, Processes, and Ideas for the Future," Claudie Pahl-Wostel (ed), *Global Governance: A Review of Multilateralism and International Organizations* 14, no. 4, (Oct-Dec 2008). Note the word *gender* is not cited in any of the articles.

³² REFERENCE

³³ UNDP, supra note 46.

contexts face cultural constraints that prevent them from speaking in public, and many poor women face economic constraints that do not allow them to voice their needs.³⁴

Box 3: Gender Representation in Peru's Water Management

In Peru, the Water and Sanitation Program and partners implemented the Small Town Pilot Project in 2006. The project fostered gender-responsive governance in communities of between 2,000 and 30,000 inhabitants. Local governments had been running these services, characterized by deteriorating infrastructure, weak management and poor communication with stakeholders, in particular with women.

The project created a public-private partnership through an alliance between the municipality, a private operator and an overseeing neighbourhood community board. By creating the neighbourhood community board, a permanent mechanism for citizen oversight in the management of services by the new operator was put in place, with members appointed through a transparent election process. A gender component assessed and deployed appropriate communication channels between women and men, the operator and the municipality. It also established a quota of 50 percent women on the neighbourhood community boards, institutionalized by a municipal order. Services in these small town projects have improved markedly since these reforms, demonstrating how investing in communication and participatory approaches can facilitate gender mainstreaming and improve service delivery.

From: Water and Sanitation Program. "Gender in Water and Sanitation: Working Paper." Nairobi: WRP, supra note 22

Community management has been identified as a mechanism for ensuring effective water governance at the local level, particularly for common property resources. It is often assumed that the institutions are inclusive and take care of fair distribution of resources. However, communities consist of different categories of men and women in different positions of power aiming to improve their own situations. Effective water governance needs to incorporate a differentiated analysis of community and community management.³⁵ Involving both women and men, especially the poor, in integrated water resources management initiatives can increase project effectiveness and efficiency and improve project performance and the likelihood of sustainability.

ADDRESSING THE GENDER GAP AT RIO+20 - HOW TO INTEGRATE IT?

Rio+20 offers a variety of opportunities to address the existing gender gap in water management and strengthen the language on human rights in the 'Future We Want' outcome document. Section Two of the outcome document proposes a framework for improving engagements with major groups, including women. This framework offers an opportunity for Member States to clearly define the need for women's empowerment and their full and effective participation to achieve sustainable development. Section Three, which addresses the 'green economy', should also reflect the importance of including women as active economic players in the management of natural resources, including water.

RECOMMENDATIONS FOR INCORPORATING GENDER MAINSTREAMING POLICIES IN SUSTAINABLE DEVELOPMENT CONFERENCES

Member States and policy makers must take into account gender when designing policies for sustainable development. Mainstreaming gender in policy formulation processes for integrated water resources management requires:³⁶

³⁴ Resource Guide. Supra p., supra note 26 at 31.

³⁵ Resource Guide. Supra. p, supra note 26 at 32.

³⁶ Section taken from the Global Water Partnership Policy Brief, 2006, *supra* note 13 at 2-3.

- Incorporating a gender-sensitive approach in key written documents, including identifying gender gaps in the water sector and delineating a clear action plans to address these gaps;
- Clarifying the entitlements and responsibilities of water users and water providers, with special
 consideration to gender-related impacts. Additional clarification must be provided for the roles
 of government, the private sector and civil society institutions. Such roles must specify the
 rights, duties and obligations for men and women, where appropriate;
- Establishing gender indicators and conducting gender audits to strengthen women's
 participation in governance processes. Collecting and analysing gender disaggregated data is
 mandatory for developing effective gender indicators and conducting gender audits;³⁷
- Performing multi-stakeholder consultations that include women and women's organizations in order to better clarify water policies' roles and effects on women.
- Establishing a legal status for government and user group water management institutions that stipulates the proportional share of women in participation and employment;
- Making a conscious effort to consult with women and men during planning processes through the use of, among other things, gender-inclusive participatory tools designed to engage grassroots women and men;³⁸ and
- Viewing issues of gender, governance and water management as women's issues as well as recognizing broader issues of power relations, control and access to resources by disadvantaged groups.³⁹

CONCLUSION

This paper presented an overview of existing institutional frameworks for the incorporation of gender mainstreaming in water management policies, particularly in the context of the Earth Summit. Rio+20 must build on these frameworks and incorporate existing commitments within the frameworks of action that will be adopted at the Conference.

Their efficacy needs to be complemented by engendered, accountable and transparent institutional frameworks with sufficient capacity to manage water resources. However, to date, there has been little attention to gender concerns in the water governance structures or processes. The constraint of the lack of political will to mainstreaming gender in water institutions need to be challenged and remedied.

There is a need to adopt a more comprehensive global perspective on water governance, incorporating international water law in conjunction with domestic law and organizational frameworks.⁴⁰

Sociocultural factors may hinder fulfilling the right to water and consequently, women's participation in the decision-making processes. Gender mainstreaming policies need to be complemented by policies that protect overall human rights, participatory approaches and that recognize local realities that may hinder the fulfilment of the right to water.

³⁷ WWDR4 Vol 2 at 753

³⁸ Adapted from the *Resource Guide*, supra

³⁹ Adapted from the Resource Guide, supra

⁴⁰ For a lively discussion of these issues see the special issue, "Global Governance of Water: Trends, Processes, and Ideas for the Future," Claudie Pahl-Wostel (ed), *Global Governance: A Review of Multilateralism and International Organizations*, Vol 14, Nono. 4, (Oct-Dec 2008.). Note the word *gender* is not cited in any of the articles.

When developing economic policies at Rio+20, Member States must put in place safeguards to protect citizens' water access, and should recognize the human right to water. Additionally, Member States should promote a human rights-based approach to guarantee the equal participation of all stakeholders, including women, within policy-making processes and fair access to water resources at international and national levels.

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