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Contrasting views on women and individual water rights: A case study in South Africa

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Abstract

Access to productive water in South Africa is racially skewed. Only 5% of individual water access rights are available to blacks while the other 95%, are owned and controlled by whites. The national water allocation reform strategy that was meant to address water access inequalities added a gendered dimension to the redress process which complicated matters by applying gender as a priority for black communities only. While questioning the feasibility of the gendered approach, the article also interrogates the concept of individual rights for women in a context where the collective is prioritised over the individual. The theories of justice and deconstruction are utilized to explore how justice can be realized while also re-interpreting feminist constructions of women and resource access. A qualitative approach is employed to gather perspectives on gendered water allocations. Findings from literature reviews and consultations revealed that there is no consensus on individual water rights for women. The article recommends that policy takes contexts into account rather than prescribing one-size-fits-all solutions.

Keywords: *Individual Water Rights, Equality, Water Allocation Reform, Women, South Africa*

Introduction

The allocation of water resources in South Africa is skewed in favour of white people. This is a result of more than 300 years of water legislations and practices that discriminated against the black majority (see Tewari, 2002). Much of South Africa's water resources, 62%, are used in commercial agriculture. According to the Department of Water and Sanitation (DWS) (2018a), 95% of that water is in the hands of whites and 5% is allocated to blacks. A water allocation reform programme was put in place and first rolled out in 2001 to redress these inequalities inherited from past water legislations (DWAF, 2005). The reform programme has a racial and gender focus as argued by Seetal (2006) that:

Current water use patterns in South Africa show not only a racial bias, but also a gender bias. Even though in many rural households women are the primary decision makers and have the responsibility for raising crops to feed the family, land ownership is often in the hands of the male members of the household. Gender inequality may therefore be further entrenched by linking water use to property rights over land. The water reform process must recognise and correct these gender inequities in water use.

While there are legitimate reasons for equity on racial grounds given the statistics on water access by race stated in DWS (2018a), the same argument does not apply to gender. Besides having more male-headed agricultural households (StatsSA, 2016), land ownership in South Africa remains skewed along racial lines in favour of the white minorities (Department of Rural Development and Land Reform (DRDLR) 2017a) than it is on gender. The manner in which some scholars have focused on land rights for women only while labelling land rights in Africa as the "bastion of male power and privilege" (Kameri-Mbote, 2013: 6) fails to recognise how dispossession as a result of settler colonialism interrupted black lives, not only women's lives. Land reform in South Africa has failed both black men and women, as Meer (2013: 10) points out that the "market-based land reform programme...also limits redistributive land reform for poor men". Gender equality or equity processes thus need to be contextualised and not be taken for granted as simply a male versus female issue (cf. Wittmann, 2012). Equality in water allocation for black men and women needs to consider practicalities of the South African

context in terms of women's ability to take up bulk water and their access to infrastructure as individuals outside of the collective. Zwarteveen and Boelens (2014: 147) also suggest that “definitions and understandings of justice cannot be based only on abstract notions of ‘what should be’, but also need to be anchored in how injustices are *experienced*” (emphasis in original).

This article draws from the literature and fieldwork of my doctoral study carried out between 2017 and 2019 (see Dube, 2020). It considers the different perspectives on equality in water resources allocation put forward by study participants. The qualitative study, which applied Rawls’ theory of justice and deconstruction theory, investigated the gendered focus of the water allocation reform, questioning the special focus on women in the allocation of water given that women already fall within the historically disadvantaged group targeted by the reform strategy. South Africa’s water allocation reform strategy suggests that the water allocation reserved for blacks should be shared equally between women and men. The researcher views this as a distraction from the real concern as there is no foundation for such equal allocation and the bulk of the water is with white commercial farmers. The equality principle is thus applied to the 5% of water in the control of black farmers, a strategy that can only serve to hide real water injustice as white commercial farmers’ portion of the water resources remains untouched. This article thus argues for the context within which the water allocation strategy is being implemented to be considered if the strategy is to have any relevance to the local context.

Literature review

This section focuses on the discourses on women and individual water rights as expounded by different scholars. It also puts the South African context into perspective by briefly explaining the Ministry of Land Affairs’ gender policy while also highlighting how the approach is received.

Gender, water and individual rights

Concerns about women in general and gender in particular came about as a result of feminist movements that seek to make women’s issues a part of mainstream development issues. Lahiri-Dutt (2006: xx) argues

that water development discourses have actually been gender-blind until the invisible women got recognised by development planners who also realised the need for equity. A comparison of men and women's positions in life was summed up as being marked by "severe and marked inequalities" (Kotze and Cornwell, 2011: vi). These inequalities are viewed by feminists as a result of "women's lack of property and independent entitlements" (Zwarteveen and Boelens, 2006). Women's control over resources is thus viewed as addressing inequality (Zwarteveen and Boelens, 2006: 4; Kotze and Cornwell, 2011: 15).

Various views have been put forward in support of individual allocations but these have not been without detractors. Msibi and Dlamini (2011: 81) for instance, point out how skewed land and water resources are in favour of men in spite of the fact that women also contribute significantly towards economic growth of the country. Schreiner, van Koppen and Khumbane (2002: 132) argue that the National Water Act "is unique in providing the scope to vest water rights and membership in the actual water user, irrespective of his or her type of land rights". Conditions for accessing land, however, remain difficult for poor rural women (Rakolojane 2013) and this is a result of multiple reasons, not just patriarchy as over-emphasised in the development discourse (Chigbu, Paradza and Dachaga, 2019). Rawal and Agrawal (2016) for instance identified "sociocultural and structural, legal, administrative and institutional barriers" as reasons why women struggle to access and own land. The willing seller, willing buyer arrangement in South Africa's land reform also excludes poor men (Meer, 2013) as ability to purchase, not gender, becomes the deciding factor. While providing a scope where water rights can be granted irrespective of type of land rights seems progressive of the Act, the literature does not question how this presents land tenure reform as unnecessary for economic production. Insecurity of tenure is reported to be the reason why Ghanaian women underinvest in land fertility (Goldstein and Udry in Gaddis, Lahoti & Li, 2018: 3). The value of land ownership is downplayed in ways that trap beneficiaries of water rights without land rights in subsistence farming.

Women's ownership of property and independent entitlements has been viewed differently in different parts of the world as the literature show. While most of these studies focus on land as property, water rights have not been dealt with as extensively. With regards to land ownership in Africa, gender gaps have been identified with men being claimed to

own more than women (Gaddis et al., 2018). The authors however concede that the gap gets smaller when joint male-female ownership is considered, an aspect which they see working well within a “conductive legislative framework” (Gaddis et al., 2018: 8). In the Andes, some studies have shown that water rights for example are considered to be family rights where “control over water is invested in household and community collectives rather than individuals” (Zwarteveen and Boelens, 2006: 5). Zwarteveen and Boelens (2006: 21) argue that the individual rights prescribed by feminists tend to neglect interdependencies and complementarities between men and women (cf. Scott, 1986; Cleaver, 1999). Zwarteveen and Boelens (2006) further argue that rights alone would be inadequate without the technical capacity to take the water from the source to the farming site. They concluded that gender alone should not be a basis for allocation as water needs may not be clearly identifiable on that basis (Zwarteveen and Boelens, 2006: 12).

Von Benda-Beckmann and Von Benda-Beckmann (2006: 110), cited in Lahiri-Dutt (2006) argue that gender is not the only social differential in other societies such as in Nepal where caste and class also matter. Zwarteveen and Boelens (2006: 13) note that “all women, even in one community, do not necessarily share the same needs and interests regarding water, nor are women’s needs and interests always opposed to or different from those of men”. The literature on South African water allocation for productive use does not show water needs by gender or class of women. Schreiner et al. (2002: 132) have, however, noted the predominant role played by women in farming as a result of the employment policies of apartheid South Africa where men had to do off-farm jobs while farm work was reserved for women. They further added that from a study of farming households in the Northern Province, it was found that decisions were largely made by women while a few were jointly made with their husbands (Schreiner et al., 2002). Statistics for agricultural households, however, indicate that there are more male agricultural heads in South Africa than female agricultural heads (Figure 1).

The literature show that women’s resource ownership, especially land ownership, is important to their status and wellbeing (Roquas, 1995 in Deere and Leon, 1998: 376; Agarwal, 1994). Agarwal (1994: 1455) posits that women’s lack of property ownership and control is the key reason for their poor economic wellbeing and social status (see also RSA 2018: 5;8). Agarwal’s idea is, however, refuted by Jackson’s (2003: 456)

argument that land ownership rights have more value for households and for men as individuals but not necessarily for women “since they experience poverty in very distinctive ways and are differently placed as subjects in relation to property and livelihoods”. Jackson (2003) avers that women have other needs which are more important to them such as labour and cash. An assessment of an agricultural project run by an all-women group in Gauteng also showed that the failure of production was more because the women running the project had no access to labour and cash rather than title deeds for the land on which the project was being done (Maphosa, 2016).

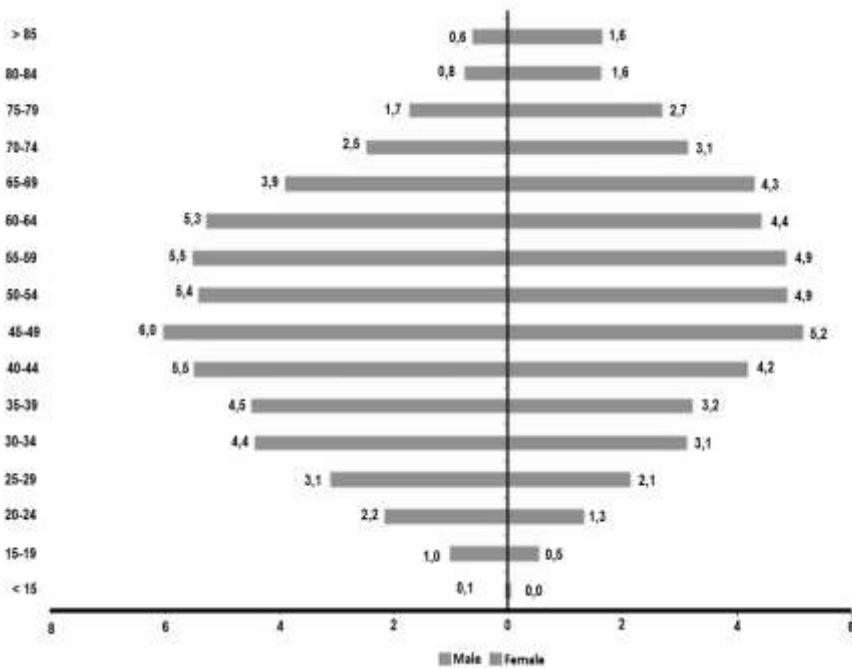


Figure 1: Distribution of agricultural households by age group and sex (percentage). Source: StatsSA (2016: 3)

The idea of household rights, as opposed to individual rights, has been a subject of analysis by scholars such as Agarwal (1994) and Zwartveen (2010). Agarwal (1994: 1456) and Zwartveen (2010: 189) argue against

the assumption that the household has common interests and preferences and that the resources will always be equitably distributed. Agarwal (1994) further argue that evidence of intra-household gender inequalities in South Asia are among the reasons why she thinks women need individual ownership of land. This is in line with Cousins' (2009) position on South African black women's insecure land rights as their access is secondary to that of men in their families, e.g. husbands. Other scholars have not seen the strength of such arguments that within some households, many men do not have individual ownership to land and water just like women (Von Benda-Beckmann and Von Benda-Beckmann, 2006: 130). In South Africa, "hardly any black men, let alone black women, used any significant quantities of water for productive uses, or had a formal water entitlement in their own name" (Van Koppen, Schreiner and Fakir 2011: 2). Zwarteveen and Boelens (2006) suggest that water rights have to be considered within the contexts that they exist. They argue that rather than view rights as either individualised/male-based or family-based, there is a need to interrogate the water uses and distribution and decision-making practices prevailing in the society in question (Zwarteveen and Boelens 2006: 22; see also Lahiri-Dutt 2006: xxi).

The South African water allocation reform strategy's gender focus works on the premise of wanting to have equality for both men and women. Thus, the allocable water to historically disadvantaged individuals will be distributed equally. While the water reform strategy advocates for gender equality, scholars like Zwarteveen and Boelens (2014: 146) are of the opinion that the notion of equality in water policies:

works to deny or ignore existing social hierarchies and differences (such as those based on class, ethnicity or gender), with the reference for the proclaimed equality being (implicitly) based on the class, gender and cultural characteristics (and normative standards and interests) of a small but powerful minority.

Other scholars such as Rockwell (2015), Jones, Bromey, Creegan, Kinsella, Dobbie and Ormston, (2010: 61) have also posited that equality is problematic as it is undefinable, unachievable and not implementable. Zwarteveen and Boelens (2014: 148) assert that for water justice to be achieved, knowledges need to be situated in the "lives and worlds" of the

“objects of inquiry”. The context within which water justice has to transpire has to thus be taken into consideration. The authors argue further that by privileging the “object of inquiry”, their real desires and positions, *vis-à-vis*, water justice are heard without the influence of those who speak as if from a neutral perspective (Zwarteveen and Boelens 2014).

The 2020 commemorations of the 1956 Women's March have seen renewed efforts to work on gender and land ownership in South Africa. In his commemoration speech, the South African President, Cyril Ramaphosa, mentioned the need “to put policies in place to increase women's ownership of land to 30%” (RSA 2020). Dube (2019: 41) however argues that the women's 1956 movement and Women's Charter of 1954 did not seek to advocate for “an agenda that focused on women alone or men and women as adversaries” as argued by the women themselves that they “do not form a society separate from the men...As women we share the problems and anxieties of our men, and join hands with them to remove social evils and obstacles to progress”. Going back in history to pre-colonial South Africa, it was noted that land was used for the benefit of the family and women's land rights were part of family land rights and married women could cultivate land without size limitations but were supposed to keep to their family's field boundaries (Jaichand 2016: 393). The case studies of rural women and land access in the panel report on land reform (RSA, 2019) suggests that the structure of the family determines what rights women need or demand and also blames patriarchy in African society. The case of Ms Sizani Ngubane in the panel on land reform report for instance, (RSA 2019) expresses her experience and how such an experience is interpreted contextually (given meaning in local contexts) and culturally. Hers was an experience where “rural women, especially widows, divorcees and unmarried women” were “hounded off the land and prohibited from land access and ownership” (RSA 2019: 38). The narrative here can only be expressed from the way the narrator views her experience and also based on how such experiences are interpreted contextually (given meaning in local contexts) and culturally. Jaichand (2016) however, posits that it is colonial legislations that weakened women's land rights and “entrenched patriarchal systems” that oppressed women and took away their rights. Dube (2019) also argues that it is radical feminism that positions patriarchy as a structure for women's oppression at the neglect of other systems of oppression such as colonialism, apartheid and capitalism. This intersectionality is also

acknowledged in the Framework on Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing (RSA 2018) where the “legacy of racial oppression” and women’s domestic responsibilities are recognised as adding to women’s dire condition. The framework recognises other powers at play such as “systemic, institutional and ideological machinations that legitimate the subordination of women by men”. Noting that patriarchy is a system, Dube (2019: 44) thus avers that the system ought then not be reduced to the people who participate in it which results in the binary men versus women.

Available literature do not seem to interrogate why the family structure, which traditionally had all the responsibilities including being a “unit of production” (Innerarity 2000: 58), now has individuals with self-interests where resources must be individually owned. With regards to land, Yngstrom (2002) suggests that land scarcity has increased the demand for individual rights to land. Landlessness because of historical injustices also affects families and individuals and women spoken to in a South African land reform study expressed a strong need for individual land ownership (RSA 2019: 38). A study done in the Eastern Cape by Bank and Mabhena (2011) also highlighted single women’s call that they be allocated land in their own right with no need for a male guarantor in the context of the Communal Land Rights Act (CLRA). Some scholars such as Jackson (2003) have however opined that redistribution of land within households and families may be contested while other views have indicated the importance of families for poor women in the context of individual land rights (cf. Walker 2003: 143). Bank and Mabhena (2011) report how the approach taken by Chiefs in the allocation of land to married and even single women differed, as the concept of women owning land was viewed as new and without consensus in the traditional council. In a context where the “community has priority over the individual” (Letseka 2012: 50), there is a gap in literature on South African women’s views on individual water rights, especially in the context of water reform which this study sought to fill. The gender dimension of WAR required investigation especially given that evidence of inequalities pointed to racial rather than gender inequalities.

South Africa's Department of Land Affairs' gender policy

The principles underlying land reform according to the Green Paper on land reform (DLDLR, 2011) include the democratic and equitable allocation and use of land across race, gender and class. The Green Paper called for corrective measures to the discriminatory past through efforts that were described as collective (DLDLR 2011: 3) (as opposed to racial, gendered or classist). The National Gender Policy Framework recognises women's constraints in participating in development (RSA 2000). It lists among other constraints, challenges to the implementation of the land reform programme as being due to cultural practices such as patriarchy (RSA 2000). At the 1995 Beijing World Conference on Women, Minister Dlamini-Zuma also added to the patriarchal narrative saying that women in South Africa "are marginalised economically with no right to own land. Under customary law they marry and live their lives as effective minors subject to the authority of a male relative" (RSA 2000: 9; see also UN, 1995). Waetjen (2004: 41) argues that the treatment of women as minors is not the result of patriarchal norms but prescripts of the 1850s Native Affairs administrator, Theophilus, who "codified customary law and officially designated women as legal minors, greatly inhibiting their ability to inherit property". The National Gender Policy Framework (RSA 2018) does acknowledge the role of the discriminative laws and policies of the past in its discussion on women and poverty as well as women and housing yet patriarchy remains listed as one of the main challenges faced in South Africa.

Theoretical considerations: Theory of justice and deconstruction

The theory of distributive justice by John Rawls (1971) and deconstruction were used to reconceptualise the gender discourse in the allocation of water under the water allocation reform process. Consideration was given to discourses using Rawls' second principle which states the need for social and economic inequalities to be the greatest benefit of the least advantaged members of society. Deconstruction, on the other hand, looks at meaning within contexts and takes apart taken-for-granted assumptions "to explore the contradictions on which they are based" (Cornwall 1997: 8). Rawls' theory of justice provides a lens for a more just society as it concerns itself with the fair allocation of resources (Maiese, 2013) and also "advocates for genuine equal rights" (Robeyns,

2003: 5) while deconstruction questions and interrogates texts as it assumes no singular meaning about something (Güney and Güney, 2008).

Consideration was also given to recent distributive justice theories such as Amartya Sen's idea of justice as propounded in his 2009 book *The Idea of Justice*. Seeing as Sen built his idea from Rawls' and to some degree agreed with Rawls' conceptualisation, the researcher opted to use the original source. As also noted, Rawls' idea of justice values opportunities more while Sen values “the conversion of primary goods into the capability to do various things” (Sen 2009: 66). Though both opportunities (Rawls) and capabilities (Sen) are essential, it may however be more important in a context such as post-apartheid South Africa for one to get opportunity first then capabilities. In the context of water access inequalities, while consideration is given to the worst off, gender equality and individual water rights are interrogated using participants' voices and literature, in order to break the illusory authority of the reform strategy on the issue of gender.

Methodology

The qualitative approach was used for this study. It was chosen because it allows for descriptive analysis of issues and events (Neuman, 2014). The qualitative approach allows the researcher an opportunity to study processes and behaviours in their natural settings without the filters that sometimes come with published literature. In qualitative research, the researcher makes sense of phenomena “and the meanings that people attribute to them” (Parker, 2004:159).

The case study design was employed to address the thesis statement. Views discussed in this article are only those pertaining to the gender focus of the broader study which had a total of 73 participants. The article makes use of perspectives from purposively chosen participants who participated in interviews and focus group discussions. Face to face interviews were held with women from the villages of Nwajaheni and Rwanda, purposively chosen for their contribution as women with a stake in gender equality issues. Telephone interviews and email correspondence were used with the study's key respondents, two female academics and a policy analyst with the Water Research Commission. Key respondents were chosen using the expert sampling method. Bhattacharjee (2012) describes the expert sampling method as a

technique where respondents are purposively chosen on the basis of their expertise on the subject of study. This sampling method has its strength in the fact that experts have knowledge of the subject and their opinions, though not necessarily generalisable, may still add value to the study. Focus group discussions were also held with gender mixed groups consisting of the youth and the old, subsistence farmers, co-operative members and domestic water users.

Data gathered from the interviews and focus group discussions were transcribed and then analysed using the atlas.ti software. Atlas.ti is a recognised qualitative analysis software that can process data collected through both structured and unstructured methods. The software allows the researcher to “extract, categorise and interlink data segments from a large variety and volume of source documents” and helps researchers discover patterns and test hypotheses (Frieze, 2018:10). Atlas.ti is a useful tool as it builds connection between different sets of data during the coding process. In as much as the software is useful, the analysis process remains the researcher’s task as the researcher does the coding, creates code names, code groups and networks themselves.

Findings

The findings that are discussed here are from the interviews with key participants in academia, research institutions, focus group discussions and interviews with women in Nwajaheni and Rwanda villages in the Tzaneen Municipality. Differently phrased for the different categories of participants, the questions sought to get an understanding of why scarce water resources have to be shared equally between black men and women.

One response which corresponded with the underlying assumptions in this study was expressed by one of the female academics. Besides questioning the policy, the respondent questioned the validity of sharing productive water equally between black men and women. For her, water needs had to be taken into consideration and policies have to respond to real needs and “not act in boxes” (Interview, 22 October 2018). She expressed dissatisfaction with the WAR strategy and exclaimed that:

It’s not as if there are hundreds of thousands of black women who are farming on an industrial scale. And in most rural areas most women are farming their land in a small-scale way, usually in their designated field,

depending with their rural area and people are farming/planting based on their own needs. (Interview, 22 October 2018).

The view on policy was also echoed by the other academic whose response was that:

Gender dynamics are usually used by policy makers to decorate their policies. What is in policy is never implemented authentically, thus equal gender distribution for me simply means that water should be allocated fairly between men and women. However, the truth is that in Africa men and women work in partnership, therefore the policy and implementation should first be faithful to this, then consider the African family system, there are single mother households, nuclear and extended family households all these should be considered (Interview, 30 August 2018).

Views shared in the focus group discussions were more inclined towards those given by the two academics. There was consensus in the group that there had to be some form of partnership between men and women, although in the overall discussion, there was no clear separation between water for productive use and that for domestic use. One female respondent said:

The government must come forward and tell the community about the capacity of water it has in the dams to be supplied to the community. The municipality must distribute water equally between males and females, because if not so it will be very hard for one not to get enough water than the other one. Even if we do not get equal capacity of water, it is obvious that men have to provide for women, if women finish their water they will go to the men to ask for water (Focus Group Discussion, 24 January 2019).

All of the interviewed women from the Tzaneen villages held the same opinion which saw equal sharing of water between men and women as being fair. Two of the women had this to say:

...it is fair that it is shared equally between both parties as both women and men are involved in agricultural and other important economic activities. It should not really matter who does what as now we live in a democratic country whereby both men and women are equal. Now both parties are allowed or they share equal rights when it comes to

usage of resources as well as the kind of labour involved in both economic and agricultural work. As a woman I strongly believe that water should be shared equally between men and women (Interview, 28 June 2019).

Another participant concurred by saying:

The roles that were assigned to men and women by society are also changing. Women can now be providers of the family. During the olden days, women were the ones who worked in the fields and men in the mines. However, men are now also working in the field. Therefore, it is only befitting that men and women share water equally, (Interview, 28 June 2019).

Another viewpoint on equality between men and women came from a key respondent from the Water Research Commission who specialises in policy analysis and has also written scholarly works on water allocation reform. In his explanation on the choice of equality and not equity as the guiding principle for the allocation among blacks only, he said:

...we saw that 'black' would cover both women and men, then you had women as well. There was a reason for that emphasis, it was seen that the most people who were seen to be disadvantaged in all this were the black women due to other cultural situations that they were not really involved in some of these discussions; it was seen to be sort of men only. But we had learnt that in our rural areas especially, it was the women who tended to be much more productive with agricultural activities. So, I think it was just an issue of trying to address matters without looking at the broader issue of equity, but then it is still an underlying principle (Interview, 15 August 2018).

Data provided by the Department of Water and Sanitation (DWS) revealed disparities in water allocation between genders in all four racial groups with water allocations. The statistics shown in Figure2 show that in the case study area, the majority of water rights granted before the 1998 Water Act and known as existing lawful use (ELU) rights, were in the hands of companies and both male and female whites. Table 1 on the other hand provides a view of the whole country where allocations are registered in the nine water management areas (WMA) where differences in access between the genders seem like the norm. Although statistics on

new licences shows the black community having more licences (Dube, 2020), the total number of white men with licences still outnumber black men (Table 2).

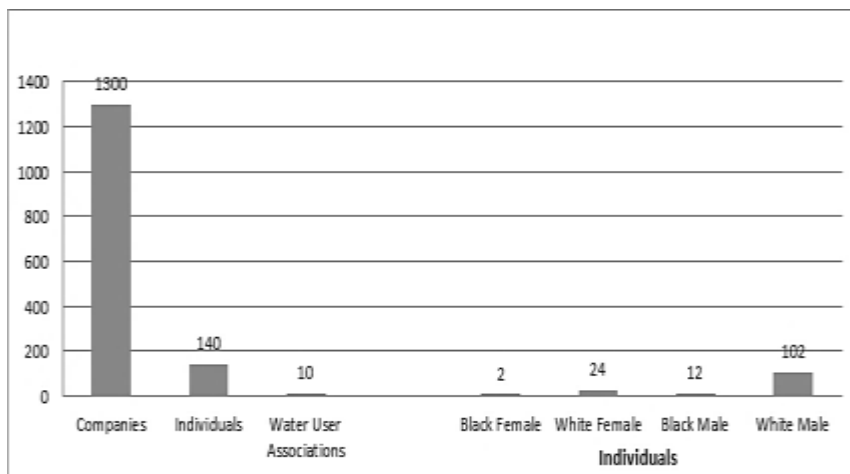


Figure 2: Recorded existing lawful users in the Olifants WMA: Source of data: DWS (2018b) (Dube 2020)

Table 1: Individual Existing Lawful Users per Water Management Area by race and gender (Dube, 2020)

WMA	Asian		Black		Coloured		White		Total per WMA
	Female	Male	Female	Male	Female	Male	Female	Male	
Berg-Olifants	0	0	0	0	0	0	0	7	7
Breede-Gouritz	0	0	0	0	17	0	120	1 046	1 183
Inkomati-Usuthu	0	3	0	0	0	10	81	319	413
Limpopo	0	16	1	12	0	0	229	2 185	2 443
Mzimvubu-Tsitsikama	0	0	16	4	0	0	141	2 370	2 531
Olifants	0	0	2	12	0	0	24	102	140
Orange	0	2	3	19	47	97	940	8 032	9 140
Pongola-Umzimkulu	0	14	9	7	0	1	138	799	972
Vaal	0	1	5	40	2	7	512	4 301	4 868

Total per race group	36	130	181	21 346
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Source of data: DWS (2018b)

Table 2: Water licences per Water Management Area by race and gender (Dube, 2020)

WMA	Asian		Black		Coloured		White		Total per WMA
	Female	Male	Female	Male	Female	Male	Female	Male	
Berg-Olifants	0	1	0	0	0	0	10	75	86
Breede-Gouritz	0	0	2	3	8	30	1	10	54
Inkomati-Usuthu	0	0	0	7	0	0	4	16	23
Limpopo	0	0	62	248	0	0	0	41	355
Mzimvubu-Tsitsikama	0	0	1	12	0	1	0	66	80
Olifants	0	0	22	106	1	1	0	29	159
Orange	0	0	3	5	4	7	15	111	145
Pongola-Umzimkulu	1	2	86	216	0	0	3	134	442
Vaal	0	0	5	40	6	11	39	212	313
Total per race group	4		828		70		777		

Source of data: DWS (2018b)

Discussion

The literature on the background of WAR provides the basis on which gender inequality became an issue of concern within the context of water allocation in post-1994 South Africa. Setal (2006) describes past water allocation patterns as having had both a racial and gender bias. Indeed, statistics presented above (Figure 2 and Tables 1 & 2) attest to the difference in access by both race and gender with men having more licenses compared to their female counterparts. This gender bias is noted to also exist in the white, coloured and Asian communities. The WAR strategy, however, explicitly focuses on gender inequality in the black community only as per the strategy’s stipulation that of the available allocable water to the HDIs (blacks), women and men would share equally (DWAF, 2008; Msibi and Dlamini, 2011). Engagements with participants in this study have revealed mixed thoughts on gender-based allocation with all the women consulted with in Tzaneen supporting the

equal distribution of water between men and women. Responses from other women in academia have, however, been different as the female academics sought to first appreciate the make-up of the black household. As one participant indicated:

The truth is that in Africa men and women work in partnership, therefore the policy and implementation should first be faithful to this, then consider the African family system, there are single mother households, nuclear and extended family households all these should be considered (Interview, 30 August 2018).

This is contrary to the individual focus the WAR strategy is pursuing.

The literature point to concerns over a gendered focus on the allocation of water. Noting the failure by black farmers in general to access already allocated water (cf. Hollingworth and Matsetela 2012), the assumptions that women would be able to access the allocation stored for them is indicative of a failure to contextualise the women's agency and their capabilities. The literature presents arguments such as the need for technical capacity to take water from the source to the farm; failure to consider that women's needs are not always opposed to men's; and that household ownership rights (for water and land) appeal to some more than individual rights which are advocated for by the WAR strategy. Literature on gender from the west have largely portrayed men as oppressors and patriarchy as the reason why women have no access to resources and consequently experience gendered inequalities (cf. Dube 2019, Zwarteveen and Boelens 2006). Reform strategies, however, have to consider the context within which strategies have to be implemented and avoid borrowing ideologies or notions of inequality that are not based on a people's lived reality. Statistics on individual water rights have also shown how white women fare in comparison to their male counterparts, which begs the question why gender for black communities only.

Consultations with study participants revealed that there are indeed gendered responsibilities where water access and allocation is concerned. Across the different study participants, water access was discussed at the level of domestic access by some and productive use by others. There was no consensus on the gendered responsibilities by participants from the focus group discussions as women felt they had overall

responsibilities on accessing water while men felt the need to redeem themselves and so added that they also have the responsibility to ensure water access in the home. Their primary focus was on domestic water which was also discussed by the women who were individually interviewed. These women translated their domestic responsibilities to the subject of equal access to water for productive use for black men and women and so expressed the need for equal allocation for men and women as prescribed by the reform strategy. Discussions with women in academia, however, revealed that men and women worked as collectives with no interest in individual rights as expressed in the water allocation reform strategy. The literature show that women in agricultural households in South Africa are responsible for much of the decision making that has to be done for their households. For rural women interviewed in this study who were not all from farming households, it is not clear where the idea of equality in access to water comes from, especially with no considerations to how the water is physically extracted from the river and how doing it collectively would work. Water rights in some regions are considered to be a family right while feminists advocate for individual rights (cf. Zwartveen and Boelens 2006). The responses given in this study vary between those of women in academia who are aware of feminist discourses and how they apply their thoughts to the issue of water rights for women and those of the other women who participated in the study. Equality between men and women is, however, a well-known phenomenon but its application to water in the South African space seems new. Extrapolating from Girard's (1986) thoughts on "mimetic desire", one may deduce that some women may choose to represent their needs following an image in which men and women's needs compete rather than complement each other in pursuit of common goals.

Conclusion

Allocating water to women, while not addressing other constraints such as access to land, financial resources and the openness of the economic environment detracts from the potential gains that could be achieved in WAR. A gender-based allocation of resources needs to be defined by the needs and concerns of real people on the ground rather than world ideologies. Wrongs committed against western women need not be imposed on African women or be universalised. Statistics indicate that

there are more male-headed agricultural households in the country. By advocating for individual rights, the water allocation reform strategy fails to consider technicalities involved in the uptake of water as well as some women's willingness to work with men in their households. There are different types of households in South Africa and their needs and experiences cannot be the same. Individual water rights thus need to be dealt with on a case-by-case basis rather than a one-size-fits-all approach. The study did not identify just cause for black women to have individual water rights on gender inequality premises when similar inequalities for white women and other races are not equally interrogated.

While local literature indicates that there are cases of women that reportedly take charge of processes in their agricultural households, that might not necessarily be the case for other households. Single (never married, divorced or widowed) women's preferences for individual water rights, for instance, may not necessarily be similar to those for married women. It has also been observed that women's participation in agriculture is not necessarily on an industrial scale. The allocation criteria which prescribes equal allocation of the allocable water to black men and women therefore misses the point that there are more male agricultural heads in South Africa (see StatsSA 2016). These contexts all need to be considered by policy makers as these also affect the uptake of water when allocated as the share for women may not be taken up if their involvement in productive water use is insignificant.

Given that the share of water for which a gender-based allocation is considered is only 5% of the available resources for agricultural uses, the concern for gender can be seen as a façade to keep the racially skewed allocation undisturbed. Although it appears democratic to want to have equal access for men and women, the process does not include water resources that are in the control of white commercial farmers. The policy thus hides behind intentionality as real issues of having the bulk of water resources being in the control of the minority remains unchanged.

Recommendation

Gender in context

The literature and interviews with some of the participants show that gendered policies should take contexts into account and not offer one-size-fits-all approaches. Interestingly, the National Gender Policy

Framework's normative agreements (RSA, 2018: 13) are all informed by global and regional imperatives and not based on the local South African experience. Although regionally, African countries have a shared experience of colonialism, South Africa's experience may not reflect the Ugandan or Nigerian experience. The local experience presents its own authenticity and has to be central to interventions to avoid a one-size-fits-all approach. The framework (RSA 2018) also focuses on women and girls' land ownership in a way that seems to reject that South African land ownership is dominated not by just men but remains in the ownership and control of the white minority. The fight with patriarchy thus seems misplaced and one can only assume this interest is based on global agenda. This pursuance of global agendas resonates with Wilson's (2018) explanation of what freedom is not. Wilson (2018) explained that "freedom is not doing what we want to do...especially when what we want to do has been determined by another people...telling us what we must desire...we therefore are not acting freely...we have been manipulated". Black communities continue to experience water access inequalities and the gender agenda needs to be revisited only after racial disparities have been adequately addressed.

Contribution to knowledge

The study makes a contribution to the understanding of individual water rights from a gender context. It shows that there are contrasting views held by women on the matter while also demonstrating a lack of appreciation of the technical difficulties associated with the uptake of bulk water for the black community in general and women in particular. The study also revealed that unequal access to water resources is not a preserve of black communities as water resources are also unbalanced between white, coloured and Asian men and women.

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