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## Water as a Right: Analyzing the Selected Works of Bakker and Winkler

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### Abstract

According to feminist theory, a woman's perspective on water issues differs from a man's. A woman has a positive relationship with water, which makes her more sensitive to the issue of water scarcity, inaccessibility, and affordability. According to Shiva, in addition to gathering and consuming what grows naturally, she also promotes growth. In light of this knowledge, the purpose of this essay is to examine how Bakker (2011) and Winkler (2012)'s works address concerns about water difficulties. The purpose of this discussion is to go over their contributions as a woman and a scholar to the conversation. This paper in view of this understanding attempts to explore how concerns for water issues are reflected in the works of Bakker and Winkler, called *Privatizing Water: Governance Failure and the World's Urban Water Crisis* (Karen Bakker, 2011), and *The Human Right to Water: Significance, Legal Status and Implications for Water Allocation* (Inga T. Winkler, 2012).

Keywords: Human right to water, Water Governance, legal frameworks, International organizations

### Background

Numerous academics have looked into the concept of water injustice in a global setting. These studies have utilised phrases like "water haves" and "water have nots" to explain the concept, which have different meanings depending on the context. When discussing social and economic inequality, "water haves" are those who can afford it, and "water have nots" are people who are indigent and unable to cover the expense of using water. Water as a humanitarian crisis is studied by modern water scholars, the problems are exceptionally elaborated by the scholars like Bakker, and Winkler. For water discourses, their works are significant mainly because both have thought of water as a component of human geography (as a biological requirement) and interpreted the issue of unequal distribution of water as a social structural issue.

It is to be noted that the Human Right to Water: Significance, Legal Status and Implications for Water Allocation (2012) and Privatising Water: Governance Failure and the World's Urban Water Crisis (2011) have been chosen for this paper because they both studied water in the context of rights approach. Together, the pieces give a comprehensive picture of the world's water challenges and centre on the notion that access to water should be a fundamental human right. Winkler's research was created inside a human rights context, whereas Bakker's work was developed using governance and water model methodologies. Thus, despite their early similarities, both are distinct. Winkler emphasises the idea of human rights and advocates for the inclusion of water as a human right along with other necessities in order to argue for the

availability of water in the framework of rights. She expresses all the implications of the various international treaties that address the right to water in order to defend it and to show its importance in terms of law and politics. Her study demonstrates how states must uphold their duties to protect this right. Being different from Winkler, Bakker has strong feelings about the term "human rights." According to her, the issue with water governance stems from privatisation, which globalisation actively promotes. She significantly develops her points with slanted historical anecdotes that further explore the function of international organisations. Like Winkler, she contends that managing water resources is a political issue rather than a natural one. Actually, Bakker (2011), who is primarily interested in urban water supply, can come out as uninterested in this line of thinking and area. This may raise if there is a connection between urban and rural management of water management. The importance of examining Bakker's knowledge in the context of ideas like public, private, and communal must be noted in this case. It is a rare book that discusses the theoretical aspects of water management and provides information on current methods of water governance.

### **Inga T. Winkler (2012): Water is a right and is claimable as a human right**

The Human Right to Water: Significance, Legal Status, and Implications for Water Allocation by Inga Winkler provides an in-depth analysis of the legal applications of the right to water and draws a picture of normative implications on a key human rights problem. The book focuses on the conception and evolution of the human right to water, as the title indicates. The human right to water predominates over other concepts in the book, and Winkler continues to emphasise this theme throughout.

She emphasises, referring to her choice, that human rights are a "source of authority" for people to stop being "need beggars" and start becoming "right claimants." According to the book, the concept and implications of a human right to water provide people considerably more political clout than they would have otherwise since they would not have to rely solely on altruistic motives or broad-brush egalitarian concerns. She cites legal precedents and international statements to support her position. Like Iyer, she bases her study on legal frameworks and specifically picked the human dimension of the right to water. Her choice has a theoretical claim that permits her to argue that the concept of a human right to water is the only one that has the potential to empower people because it turns the necessity for water into a legitimate claim. People can thus hold the State accountable for upholding its duties under the human rights treaties. Winkler believes that prioritisation, which is in fact in favour of the person as a human, brings forth the notion and argument of the human right to water. She states that only the idea of human right to water has a possibility to empower people, it transforms the basic need for water into a rightful claim. As such, individuals can hold the State to account to live up to its human rights obligations. For Winkler, the idea and argument of human right to water emerges with prioritization, which is indeed in favor of the individual as human.

### **Major offerings**



The main argument made in the book under discussion is that the distribution of natural resources and aptitudes is not the product of chance events, but rather the outcome of purposeful policy choices as well as political and social fights. The background information on the competing demands, made from diverse sectors, is described in Chapter 1 in this context. The chapter underlines the lack of access to water, poses problems regarding priorities, and argues that because of political meddling, water supply and quality are political issues rather than natural ones. She argues that because varied uses of water have given rise to conflicting water requirements, the globe has suffered issues with water allocation. She says that affluent sellers with high prices are part of this politics.

She argues that a lot of present policies are set up to protect the interests of the powerful, affluent, and elites. Instead of putting pro-poor policies into action, the government has championed the interests of the rich. Chapter 2 offers a critical assessment of the Total Actual Renewable Water Resources (TARWR) used to gauge water availability in this context. She challenges the claim that domestic water usage is in direct competition with other users, notably commercial and agricultural ones. Industry and agriculture usually receive greater political focus due to their economic advantages.

The outstanding facts in Comment 15 in chapter three help to convey the idea of the human right to water. It summarises Comment 15's main points and offers a development-related interpretation. The notion of the right to water and the right to development is significantly advanced by this section of the book. She makes the case that the human rights approach is not exclusive to Development Corporation while describing the normative principles of the human right to water. She elaborates on human rights to water in the context of the Millennium Development Goals (hereafter MDG) in order to support her claim. As she draws a connection between the MDG and the human right to water, she believes that the concept of the human right to water motivates states to strive until the goal of providing water to all people is not realised rather than stopping at the quantitative aim set out by the MDG. In contrast to MDGs, the human right to water does not establish a single goal for all governments to meet by a particular time. State governments must gradually recognise the right to water, using all of their available resources. She explains that the state must set goals and standards that are appropriate for the circumstances of the country. Winkler explains in great depth the distinction between the human right to water and the right to development. She emphasises that every state should view water as its first priority and as the first right for every person in order to spread the notion in international contexts.

She asserts that although United Nations pronouncements are a significant step forward, they ignored the difficulties of implementation. In chapter six, she makes note of how contradictions in international agreements have established systemic prejudices and how structural factors have sparked political issues while building new power relations. Notably, her argument does not oppose the idea's institutionalisation. She is adamant about improving state-individual

interactions, and she sees Comment 15 as a positive move in that direction since it supports the human right to water.

She demonstrates interest in promoting the idea of a human right to water as discussed in Comment 15 in the following chapters. She makes it clear that education is the only way to effectively promote participation, respect, and fulfilment since it enables people to understand the causes of inequality in water management. She is adamant that raising awareness of the human right to water is the first step. It is crucial that suffering and victims are aware of their legal rights.

### **The key missing points**

The book is thorough in both style and language, which is both a strength and a weakness. It underplays the importance of policy frameworks and overemphasises the legal components of the human right to water. The recommendations made in the book on the human right to water have a challenging future since they mislead the reader regarding the MDG goals and the human right to water. The book fails to address the topic of how to reform an organisation whose structure is biased and misses the reality that the concepts of international institutions are not revolutionary but just reformative.

### **Karen Bakker (2011) Privatization of water resources has challenged the entitlement of humans over water as a right**

Water privatisation is Bakker's primary field of study. The book discussed in this article is a compilation of studies on water privatisation and governance over the past ten years. The third notion of "governance failure"—along with the preceding two, "state failure" and "market failure"—is introduced by the author. The book's main objective is to introduce the reader to a more expansive conceptual framework that offers alternatives to the traditional public-private approach. She illustrates the problems with urban water supplies and, consequently, the causes of water supply privatisation and its effects in order to arrive at the desired alternatives. Her main focus is to examine the environmental effects of water privatisation and to talk about the philosophical issues that underlie it.

The examination of urban water supply is supported by the fact that private industry handles every aspect of its governance, which is a social and environmental concern. She draws attention to the issue while underlining the urgent need for conceptual frameworks that can comprehend the complexity of the water supply. She gives a thorough typology of governance systems, with an understanding of the historical and geographical differences within water provision, while structuring the current water networks (page 32). The typologies and periodizations applied to the arrangements for water governance offer a conceptual map that highlights the role of the governing bodies in the provision of urban water supply.



The book is crucial for water researchers because it clarifies the conceptual elements of water privatisation, offers a thorough grasp of the issue with urban water supply systems, and busts urban water supply system misconceptions. Notably, the explanation places more emphasis on the intellectual than the actual components of privatisation. She suggests reconsidering the traditional arguments about public, private, and community in order to conceptually comprehend the problem. The arguments made throughout the book attempt to investigate how these concepts may be infused with an ecological sensibility to improve our comprehension of the roles and constraints played by societies, governments, and markets.

It is true that Bakker's work offers a thorough grasp of community, state, and market when compared to Winkle's. The study is remarkable since the analysis process is much more political than legal. The current book under consideration has a diverse range of theoretical inspirations. She concentrates on both pre-and post-neoliberal ideas in this regard. She contends that because neoliberal institutionalism and post-neoliberal institutionalism have failed to comprehend the needs of metropolitan regions and have developed a complicated water supply network, their arguments are false.

She insists that the networks they built have made everyone's understanding of water more limited. It just engages in the public-private debate and offers bogus arguments, which really promote market environmentalism. She uses Jakarta as an example to support her claim and demonstrates that discussions about ecological governance are influenced by both political and "biopolitical" issues, which indicate that water has a dual character. She acknowledges that there have always been issues with water availability, pollution, and regulation. However, in her opinion, the challenge of the twenty-first century is different since the urban water crisis has grown and is now philosophical, political, discursive, economic, cognitive, and material. She separated the concept and application of privatising water into two pieces in order to examine the issue.

### **Major Offerings**

Bakker in her this work highlights the focus of water governance in the first section and discusses public-private governance arguments (explaining the flaws in privatisation). She emphasises requirements to address the issue of water supply in the second section in addition to water privatisation.

In the first section, Bakker attempts to define the role of the World Bank using a historical perspective. She explains how privatisation may be viewed as a response to both changing ideological concerns and the Bank's shortcomings in the municipal hydraulic paradigm. The chapter is followed with images that support the issues with Jakarta, Indonesia and South Africa's urban water supply, helping the reader to comprehend the role of the private sector in water management.

She illustrates how water shortage is a common issue in South Africa and Jakarta, Indonesia, using several instances. The cases of Jakarta and South Africa are used in Chapter 4 to emphasise that neither the private nor governmental sectors have been effective in managing water resources. Despite the human right to water and the South African Constitution, the implementation of water supply and sanitation policies is still largely circumscribed. Legal frameworks may not be able to help.

The second section, which elaborates on "alternatives" to privatisation, is comparatively more important for the current study. In this essay, Bakker offers a nuanced analysis of the fights for community water supply management and the human right to water. The chapter on a worldwide campaign for a human right to drinking water in this reference's Chapter 5 is noteworthy because it highlights the substantial conceptual and practical limits of this notion.

The technological limitations discussed in this chapter are applicable and genuine. She presents a convincing argument to support her claim that because human rights are individualistic and legalistic, they cannot manage community government, which is the real pressing issue at hand.

The arguments made in this section provide several opportunities for future conceptual expansion. The book ends with an appeal to divert discussions away from privatisation and onto the subject of "political society." While redefining the role of political society, she acknowledges that communities' roles in the water supply are ambiguous. While the human right to water can be used as a weapon in the fight for government accountability, it cannot by itself create the conditions for universal, sustainable access to water. She emphasises that the main argument made is that communities shouldn't be forced to undergo privatisation, which means that this does not permit it.

### **The Key Missing Points**

There are primarily three flaws in Bakker's study. First, it solely addresses urban water supply issues while ignoring issues with rural water sources. Its general approach is the second drawback. Examples given in the article, such as Cochabamba or Porto Alegre, are not precisely 'alternatives' to privatisation. According to this book, Cochabamba's community system is dealing with significant issues for which there are no viable solutions. Too much emphasis is placed on notions, and unexpectedly, constitutive support has received insufficient attention. The state is never questioned in the book since it focuses on conservative public-private arguments. As a result, the state is reduced to a fixed element inside the choreographies of service delivery. The book makes the claim that it looks into and searches for new options, yet it makes no recommendations in the event that governance fails. A more comprehensive theoretical perspective has not been created in the conceptual mapping provided for fair water governance.

## Bibliography

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