

Chapter 3

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ARE WE ALL IN THIS TOGETHER? COVID-19 AND THE HUMAN RIGHTS TO WATER AND SANITATION

For more than 2.2 billion people in the world, washing their hands regularly is not an option because they have inadequate access to water.

UN (2020, 7)

The Covid-19 pandemic has underscored the importance of the rights to water and sanitation. This is true in both the global North and global South, where water insecurities, cut-offs, unaffordability and inaccessibility undermine the ability of communities to deal with the pandemic. The realization of economic and social rights such as the rights to water and sanitation makes populations far more resilient and can simultaneously foster conversations about the complexities of challenges and injustices that often remain hidden or ignored. We need to tackle the underlying processes producing unequal access to water and sanitation if we are to achieve the ambitions of the human rights agenda – a world in which we are all genuinely in this together. Mutual aid and solidarity will prove crucial

in realizing such a world, and in providing a way out of the current pandemic.

INTRODUCTION

With frequent handwashing necessary to reduce the transmission of Covid-19, lack of access to adequate water and sanitation clearly poses severe challenges in dealing with the current pandemic. Despite this pressing need, much of the world still lacks sufficient supplies of safe water, and many people lack easy access and adequate infrastructure (Sultana and Loftus 2020, Harvey 2020). In short, water insecurity – not, we might add, only physical scarcity of water but accessibility, affordability, reliability and quality, among other things – poses a grave threat to any response to Covid-19, especially in the developing world (Stoler et al. 2020).

For many, recognizing the human rights to water and sanitation should be seen as a crucial step in righting the wrongs of water insecurity, thereby addressing the lack of sufficient supplies of safe water around the world. Given that recognizing the universal rights to water and sanitation should imply pathways towards realizing those rights, it is clear why they might also be viewed as one crucial element in the fight against Covid-19, as well as why they might ensure greater resilience in the fight against future pandemics. Indeed, a report from UN Secretary General António Guterres entitled “COVID-19 and Human Rights: We are all in this together” (UN 2020) emphasizes with characteristic clarity the importance of human rights in general – not just the human rights to water and sanitation – in responding to the global pandemic.

In a moment in which respect for economic and social rights has become something of a proxy for a country’s resilience to Covid-19, civil and political liberties have simultaneously been eroded through responses to the spread of disease. The importance of human rights has therefore become increasingly evident. Carefully spelling out these issues, the UN report is to be wel-

comed; nevertheless, its framing – “we are all in this together” – fails to reflect the reality of the current situation. While invoking solidarity as a foundation to the universal nature of human rights may well bolster normative claims (“if we’re all in this together then human rights for all should be the appropriate response”), Covid-19 has demonstrated more clearly than ever how the current “syndemic”¹ feeds off pre-existing inequalities, carefully discriminating between socially produced differences (Herrick 2020). We are not quite all in this together, even if solidarity and mutual aid will prove crucial in defeating Covid-19.

Neither the UN nor Guterres are blind to the ways in which the virus affects groups differently. Indeed they state this explicitly in the report, noting that “[t]here are indications that the virus, and its impact, are disproportionately affecting certain communities, highlighting underlying structural inequalities and pervasive discrimination that need to be addressed in the response and aftermath of this crisis” (UN 2020, 10). These disproportionate effects have become only too evident in many parts of the world since the report’s publication in April 2020. Nevertheless, in clinging so tightly to a discourse of universalism, the UN risks overlooking the very processes producing those inequalities that universal rights need to overcome. In this contribution, we consider such dilemmas, suggesting that they present a troubling example of “the maelstrom of contradictions” that Harvey (2000) suggests have always characterized discussions of human rights. If, as Schiel et al (2020) argue, merely constitutionalizing rights does little to actualize them, the profound inequalities being exposed by Covid-19 further demonstrate how tackling unjust processes is a crucial step in the realization of human rights.

For Alston (2017) – as with Harvey (2000) – liberalism’s privileging of civil and political rights over and above economic and social

¹ Following Herrick (2020), among others, we use “syndemic” to capture the multiple synergistic processes producing this health emergency.

rights (such as the human rights to water and sanitation) frustrates the full realization of both sets of rights. The naïve assumption is that guaranteeing political rights will automatically give rise to economic and social rights; political rights, it is assumed, permit citizens to pressure states to realize their economic and social rights. This is all too frequently shown to be false. Indeed, rather than prioritizing one set over another, for Alston, human rights must always include both economic and political rights. Given the need to focus on social vulnerability in the face of Covid-19, the importance of economic and social rights, such as the right to health or the rights to water and sanitation, has become evident. And yet, as one sees in the UN report, if these rights are not put on the same plane as civil and political rights as Alston suggests, a range of contradictions emerge. Considering these contradictions and the UN report more broadly, we examine the limitations and possibilities of the human rights to water and sanitation in achieving fairer and more equitable access to water and sanitation in these times of multiple crises (see also Sultana and Loftus 2020).

WASH – WATER, SANITATION AND HYGIENE

Given the everyday tragedy of infant mortality caused by poor-quality water and the Joint Monitoring Project's estimate that one third of countries are not on track to achieve universal household access to "improved" drinking water sources by 2030, it is little surprise that Water, Sanitation and Hygiene (WASH) remain key development priorities in the global South (UNICEF and WHO 2019). WASH is an essential factor in mitigating the spread of Covid-19 (Howard et al 2020). In some of the clearest statements on why the human rights to water and sanitation matter during these times of Covid-19, authors have emphasized the connection between achievements in WASH and the human rights to water and sanitation. Thus, in a piece by Gosling et al (2020) for the WaterAid blog, the authors write that "the principles of human rights

can save lives now and in the future” given that “water supply, sanitation and hygiene (WASH) are central to the Covid-19 response.” The authors go on to lay out crucial human rights principles – equality and non-discrimination, participation, transparency, accountability and sustainability – that should be built upon. In focusing on the most vulnerable, prioritizing WASH through the human rights to water and sanitation begins to address those economic and social aspects to human rights that Alston (2017) argues are so often sidelined.

For the veteran campaigner Maude Barlow (2020) “Covid-19 puts the human right to water front and centre,” and while the recognition of that right by around 50 countries should be seen as a major victory, Barlow expresses a deep frustration at the unwillingness to actually fund the achievement of the right to water.² The unwillingness of so many countries to either formally recognize or do anything about economic and social rights comes down to the claim that they are simply too costly. However, as Alston (2017) goes on to argue, while a right may not mean immediate access to economic and social benefits, it does mean a commitment on the part of state institutions to ensuring access through recognition of that right, institutional changes to ensure its realization and accountability. And while resources are required to achieve such rights as those to water and sanitation, for Alston (2017), the fundamental changes brought about through ensuring economic and social rights would help to ensure their universal appeal.

To state the obvious, economic and social rights have clear material benefits for vast numbers of people; outlining these material benefits makes it more likely that people will support them. In the specific case of the human rights to water and sanitation, emphasizing the human right to water has further highlighted the

² Barlow goes on to emphasize stress on watersheds as a major factor contributing to water access issues, something on which we would respectfully disagree given the complexities of water injustices globally.

profound injustices undermining resilience to a global pandemic and frustrating the responses to that pandemic. Stating why the right to water might improve the situation makes those rights universally appealing.

DISCONNECTIONS AND DISENFRANCHISEMENTS

The attention to the underlying injustices involved in the denial of the rights to water and sanitation has perhaps been even more evident in discussions of the global North in recent months. Indeed, while discussion of WASH has tended to dominate writings on Covid-19 and the human right to water in the global South, commentaries in the global North have tended to revolve around the question of water disconnections for those finding themselves among the new precariat (Food and Water Watch 2020). On the back of such concern, many water providers in the US have responded positively to the call from the American Water Works Association to suspend disconnections (Lakhani and Adolphe 2020; see also the chapters on Flint and Baltimore in this volume, as well as the chapter on the US-wide disconnections debate). In the UK, a lazy tweet from a government minister to a Premier League footballer noted, patronizingly, how impoverished UK citizens need not fear water disconnections (as the latter had implied) as they are illegal, having been outlawed under a Labour government in 1997. What both situations demonstrate is that throughout the global North, rarely have individuals been so concerned that access to water still seems to rely on the ability to pay. Rarely have the rights to water and sanitation been discussed so widely, with growing anger over the closure of public toilets and growing concern over household water insecurity.

Speaking directly to these growing concerns, Deitz and Meehan (2019) make clear that “plumbing poverty” – households without a connection to the water supply – are not limited to households in the global South. Nor is plumbing poverty necessarily a problem

for isolated rural areas within richer countries. Instead, plumbing poverty is evident throughout some of the largest cities of the US: the phenomenon further emphasizes the deeply classed – and above all, racialized – exclusion of some social groups from access to clean drinking water and sanitation (Switzer and Teodoro 2017). If, as Hyde (2020) argues, sanitation and hygiene challenges in instances of disconnections and water poverty have exacerbated the Covid-19 pandemic throughout the US, the situation in informal settlements across the global South is likely even more grave (see also Amankwaa 2020). As we write, in mid-2020, the highest death tolls remain in wealthy and middle-income countries. The classed and raced inequalities produced within countries of the North have provided particularly important vectors for the virus. In the global South, lack of testing, medical facilities, and under-funded or non-existent public health infrastructures worsen morbidities and mortalities among the global poor, often not accounted for in national reporting; in other words, we do not really know how many have actually died from a combination of neglect and necropolitics involved in Covid-19. Nevertheless, this situation is likely to change over coming months as inequalities produced on a global scale – inequalities associated with lack of those economic and social rights with which we began this paper – become increasingly important in tackling Covid-19. Throughout both the global North and the global South, Covid-19 will continue to expose existing socio-ecological fractures. Thus, we are not quite all in this together.

THE UN'S POSITION – PROCESSES OR OUTCOMES

In focusing on the processes producing unequal access to water and sanitation in the global North and South, we would emphasize that the right to water is one among several tools drawn upon by social movements in achieving fairer access to water. Nevertheless, we would also emphasize how the process of realizing the right to water matters. In this respect, we remain troubled by former

UN Special Rapporteur Catarina de Albuquerque's claim that involving the private sector in the provision of water and sanitation services is a "no-brainer" (Purvis 2016). While de Albuquerque's prioritizing of outcomes – over the processes that achieve those outcomes – might speak to a certain common sense ("who cares who provides the right to water, just so long as it is provided"), as multiple papers in this collection make clear, who provides water matters (see also Sultana and Loftus 2020, McDonald 2016).

Realizing the right to water is continually frustrated by the need to profit simultaneously from the provision of service; as water sources are commodified and privatized, water becomes increasingly unaffordable or inaccessible to the global poor. Economic and social rights are consistently undermined by processes that deepen economic and social injustices. The political economy of water has been utterly transformed in recent years by the development of opaque financial models enabling profits to be reaped by sovereign wealth funds, pension funds and large institutional investors. This is not a terrain over which the right to water will be fostered; indeed, it is one in which the rights to water and sanitation will be consistently undermined.

We therefore welcome the current UN Special Rapporteur, Leo Heller's, Expert Consultation on the involvement of the private sector in the human rights to water and sanitation (UN Human Rights 2020). Although the recommendations of that report are not yet known, its commissioning provides some hope that the UN will acknowledge how deeply implicated an unjust financial model is in the systematic denial of the rights to water and sanitation.

Processes matter, and Covid-19 has shown more clearly than ever why the human rights to water and sanitation need to be understood as processes – ones that combine with other processes to bring about distinct outcomes. When combined with existing socio-ecological injustices, they produce far deeper injustices. Unjust and exploitative processes ensure that we are not quite all in this together. The human rights to water and sanitation need

to tackle such unjust processes if they are to move beyond merely constitutionalizing.

CONCLUSION

Will the human rights to water and sanitation help in fighting Covid-19? Our response is a guarded “yes.” As with our previous writings on the right to water, we have never viewed the right to water as a silver bullet (Sultana and Loftus 2012, 2020). We have shared concerns about the role of the private sector, the potential eclipsing of economic and social rights by property rights, the role of the state, and the genuine commitment of the international community to addressing water insecurity. The global pandemic has not made those concerns go away but rather heightened them. Covid-19 has further emphasized how the realization of economic and social rights such as the rights to water and sanitation makes populations far more resilient to what some quite rightly describe as a syndemic. And it has further emphasized the importance of tackling the underlying inequalities that ensure some have access to such economic and social rights while others are denied them.

In this contribution, we emphasize the importance of a processual understanding of the achievement of economic and social rights. We would express further hope that in recognizing such processes, the forthcoming recommendations from the current Special Rapporteur will give further weight to those struggles, challenging a deeply unequal political economy of water in which large financial players are benefiting from the appropriation of common resources. Given the ongoing challenge of the Covid-19 pandemic, what comes to the fore are the ways that the discourses and practices of the human rights to water and sanitation can foster greater conversations about the hidden or ignored complexities of the various challenges involved.

The rights discourse offers the potential to challenge and address various gendered, classed, racialized, and other unjust dy-

namics that are being compounded simultaneously, both with the lack of water and sanitation as well as the unequal exposures and burdens from the pandemic. While good governance, democratic participation and inclusive planning are vital, tokenistic calls or claims do little to address the current crises. We need to tackle the underlying processes if we are to achieve a world in which we are all genuinely in this together, and in which mutual aid and solidarity will likely provide a way out of the current pandemic

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