

Module B4

Developing Laws, Policies and Planning for Gender Mainstreaming in IWRM

Target Group

Parliamentarians and Policy makers

Time

2 hrs

Material

The teaching aids required for the session are:

- Whiteboard
- Whiteboard markers
- Flipchart and markers

Examples/Handouts

International Examples

Examples from Pakistan

Gender web (chart and/or handout as appropriate)

Note: depending upon the target group of participants either use the examples to illustrate training points or explain concepts or give these as a handout.

Guideline / Procedures and Main Training Points

1. Introduction to Module B4

Procedure

- Start the session by stating the topic and objective of the module

Topic: Developing Laws, Policies and Planning for Gender Mainstreaming in IWRM

Objective: To understand how laws, policies and planning for Gender Mainstreaming in IWRM can be improved or developed.

- Introduce and state the main training points of Module B4

Introduction

- A review of gender perspectives on policies in the water sector has shown that specific gender provisions relating to water (for example the role that women could play in preserving, regenerating or managing water bodies) are rarely seen, nor is there much in terms of women playing a role (as beneficiaries, users and managers) in plans to address water issues.

- National and International examples show that interconnected strategic actions - advocacy, changes in laws and policies and pro-women measures designed specifically for reducing the gender gap – can change the gender balance in the water sector and lead to more effective IWRM initiatives.
- Before formulating formal water or IWRM policy, there should be exploration and background/gender studies to elucidate the gender gaps.

Main Training Points

1. Introduction to policy formulation and implementation for gender mainstreaming in IWRM.
2. Necessary components for improved policy formulation in terms of gender mainstreaming in IWRM.

2. Training Points

2.1 Training Point 1

Introduction to policy formulation and implementation for gender mainstreaming in IWRM.

Procedure

- Brainstorm with the participants on training point 1 and write down the relevant responses on the whiteboard.
- Ask 1 or 2 participants to summarize main training points on the whiteboard as you go along.

Training Points

- Gender mainstreaming in policy formulation and implementation for IWRM should be seen as a single process that is initiated (or endorsed by) the relevant political levels, and moves ‘seamlessly’ from policy statements, strategic planning and budgetary allocations that reflect gender, to suitable gender-based implementation arrangements.
- This process should bring results that actually benefit and/or support men and women equally and equitably, and /or seek to empower and develop women such that the gender gap may become less or be removed.
- Policies are only as successful as their implementations, planning (covering the full ambit from long-term regular activities, to programmes and projects with time frames and responsibilities at various levels and in different scenarios).
- They need budgets for implementation. It can be said that both planning and budgeting are ‘policy instruments’. Therefore, concomitant to policies, the planning process would need to be engendered, such that the necessary gender disaggregated data can be obtained to form the basis of gender planning in both the on-going routine work and services of

water departments and agencies, as well as development initiatives, programmes and projects.

- There is a wealth of available literature on how to carry out gender sensitive planning, especially for community-based projects that can be adapted for use in the water sectors.
- The relevant water or IWRM policies that are in draft form should be reviewed comprehensively through gender analysis approaches and techniques, and amendments suggested.
- Draft and final water and IWRM policies should be scrutinized on gender monitoring indicators. If these are missing they should be developed, as they will provide a gender tool for audit and tracking progress.
- In cases where the water or IWRM policies are finalized and/or under implementation, there is always room for developing gender strategies. This is especially needed for gender-blind water policies, where little is available within the policy itself to build up gender approaches.

2.2 Training Point 2

Necessary components for improved policy information in terms of gender mainstreaming in IWRM

Procedure

- Read through the summary of training point 1 to lead on to training point 2.
- Brainstorm with the participants on training point 2 and write down the relevant responses on the whiteboard.
- Ask 1 or 2 participants to summarize main training points on the whiteboard as you go along

Training Points

In as far as the policy formulation process can be improved in terms of gender mainstreaming in IWRM, several components would be necessary:

- Stated focus on gender in the written documents (including identification of gender gaps in the water sector, clear statements on how these gaps will be reduced or closed, guidelines and roadmap of how this will be achieved in the short, medium and long run).
- Women recognized as a group to be proactively supported.
- Clarification of the entitlement and responsibilities of water users and water providers (specified by gender).
- Clarification of the roles of the institutions of the state, private sector and civil society (specifying the shares, duties and obligations of men and women, where appropriate).
- Definition of agreed water allocations for different uses, sectors, basins and sub-basins.

- Legal status for water management institutions of government and water user groups, with the share of women in terms of proportions in participation and employment spelt out.
- Quantitative targets stated, where appropriate, with target for men and women.
- Wide stakeholder consultations, including women in a substantive way.
- Initiation and/or approval by the political leadership.
- Indicative budgetary allocations showing proportions to be spent in gender proactive measures in directly benefiting women and/or indirectly supporting women.

3. Winding up

Procedure

- Wind up the module with a summary and thanks to the participants.
- If more than one session in the workshop, announce break and time to return for the next session.

Examples of Module B4

Developing Laws, Policies and Planning for Gender Mainstreaming in IWRM

INTERNATIONAL EXAMPLES

Process towards Formulation

Gender mainstreaming in policy formulation and implementation for IWRM should be seen as a single process that is initiated (or endorsed by) the relevant political levels, and moves 'seamlessly' from policy statements, strategic planning and budgetary allocations that reflect gender, to suitable gender-based implementation arrangements. This process should bring results that actually benefit and/or support men and women equally and equitably, and /or seek to empower and develop women such that the gender gap may become less or be removed.

Policies are only as successful as their implementations, planning (covering the full ambit from long-term regular activities, to programmes and projects with time frames and responsibilities at various levels and in different scenarios). They need budgets for implementation. It can be said that both planning and budgeting are 'policy instruments'. Therefore, concomitant to policies, the planning process would need to be engendered, such that the necessary gender disaggregated data can be obtained to form the basis of gender planning in both the on-going routine work and services of water departments and agencies, as well as development initiatives, programmes and projects. There is a wealth of available literature on how to carry out gender sensitive planning, especially for community-based projects that can be adapted for use in the water sectors.

In the Gender and Water Development Report 2003: Gender Perspectives on Policies in the Water Sector, GWA, 2003, a review of gender perspectives on policies in the water sector has shown that specific gender provisions relating to water (for example the role that women could play in preserving, regenerating or managing water bodies) are rarely seen, nor is there much in terms of women playing a role (as beneficiaries, users and managers) in plans to address water issues.

Strategic Actions, Advocacy, Changes in Laws and Policies and Pro-women measures designed specifically for reducing the gender gap

In March 2002, the Department of Water Development of Kenya published the Country Strategy on Integrated Water Resources Management. It contains the following important section: "As women play an important role in provision, management and safeguarding of water, particular attention will be placed on adequately incorporating and representing gender consideration in water resource management. The issues will be addressed from two perspectives: facilitating the participating and involvement of both sexes in water resource management; and the access (benefits) of both sexes in availability of water" (Section V Capacity Building, Chapter 19 Sector Human Resource, Paragraph 19.1 Background, quoted in The Gender and Water Development Report 2003: Gender Perspectives on Policies in the Water Sector, GWA, 2003).

In South Africa the participation of women has increased substantially in the water sectors due to proactive affirmative action to encourage women's participation. South Africa's 1994 constitution forcefully put forth the principles of gender parity and non-sexism. **On the basis of these constitutional statements, South Africa has 'engendered' a range of its laws and policies, including its water policy, which encompasses both IWRM and gender concerns.** This process has been hailed as a model for the rest of the world, in that the policy tools are now available to actively support measures to close the gender gap in various sectors. A quota system for women's participation has also been developed and implemented that cuts across all sectors. Apart from fixing quotas for public sector employment, in a bold move the government has decreed that its ministries, departments and attached agencies can only procure materials and services from companies where at least 30 percent of the jobs are held by women (White Paper on Water Policy, South Africa, April, 1997). These proactive laws and procedures have had a direct impact on women's employment in many sectors, including the water sectors.

The Department of Water Affairs and Forestry (DWAF) then formulated a gender policy in 1997 that required a quota of at least 30% (since increased to 50%) of women in all decision-making committees as well as adequate participation and technical training. A recent research study carried out by the Water Research Commission (WRC) in South Africa, showed that while water schemes were following the recommendations, it was not clear how the success reflected gender policy in practice. For example, it was found that the social consultation in the Peddie project had been far too rushed. The contractors hired social consultants to do some gender capacity building in a few weeks. It appeared that the project was all about providing water, and the gender aspect was just an afterthought.

As the Deputy Director-General at DWAF summarised the situation in a case presented in Gender Court, organized by GWA in Third WWF, Kyoto, March, 2003 on South Africa's Water Policy: "It is easier to write good policy than to turn it into reality". The gender policy of DWAF is excellent, but implementing it carries a number of challenges. Meeting the required 50% quota of women on all structures has been difficult. While there is general awareness of the quota system, exercising control by and participation of women is still an uphill battle in many areas. This is a battle that will continue to fight for many years to come (Women and water: How Gender Policy is Working Out in South African Villages, 9 March, 2004).

South Africa's National Water Policy (1998) recognized that women have a particular stake in water management because they are principal providers and carriers of water, main caretaker

of the family's health, and participants in many stages of pre and post harvest activities.

According to Nahar B S, Gender Water and Poverty: Experiences from Water Resource Management Projects in Bangladesh, presented at the Regional Workshop on Water and Poverty, Dhaka, September, 2002, in Bangladesh women are members of the Water Management Cooperative Association (WMCA) via allocation of a minimum 30 percent quota ensured by law in the general membership, and 30 percent membership of First Management Committee (FMC) reserved for women. Capacity building and awareness raising training for staff and beneficiaries to build awareness of men and women on the importance of women participation has ensured that this policy action renders women effective and active.

These examples show that interconnected strategic actions - advocacy, changes in laws and policies and pro-women measures designed specifically for reducing the gender gap – can change the gender balance in the water sector and lead to more effective IWRM initiatives.

Essential Components towards Gender Mainstreaming

In as far as the policy formulation process can be improved in terms of gender mainstreaming in IWRM, several components would be necessary:

- Stated focus on gender in the written documents (including identification of gender gaps in the water sector, clear statements on how these gaps will be reduced or closed, guidelines and roadmap of how this will be achieved in the short, medium and long run)
- Women recognized as a group to be proactively supported
- Clarification of the entitlement and responsibilities of water users and water providers (specified by gender)
- Clarification of the roles of the institutions of the state, private sector and civil society (specifying the shares, duties and obligations of men and women, where appropriate)
- Definition of agreed water allocations for different uses, sectors, basins and sub-basins
- Legal status for water management institutions of government and water user groups, with the share of women in terms of proportions in participation and employment spelt out
- Quantitative targets stated, where appropriate, with target for men and women
- Wide stakeholder consultations, including women in a substantive way
- Initiation and/or approval by the political leadership
- Indicative budgetary allocations showing proportions to be spent in gender proactive measures in directly benefiting women and/or indirectly supporting women

In addition to the guidelines above, the gender policy inputs would vary given water policies in different stages of development:

Before Formulating Formal Water or IWRM Policy

At this stage there should be exploration and background/gender studies to elucidate the gender gaps.

Review of Draft Water or IWRM Policies

Those relevant water or IWRM policies that are in draft form should be reviewed comprehensively through gender analysis approaches and techniques, and amendments suggested.

Monitoring Gender Mainstreaming in Water or IWRM Sector

Draft and final water and IWRM policies should be scrutinized on gender monitoring indicators. If these are missing they should be developed, as they will provide a gender tool for audit and tracking progress.

1) Post Policy Gender Strategizing in Water or IWRM Sector

In cases where the water or IWRM policies are finalized and/or under implementation, there is always room for developing gender strategies. This is especially needed for gender-blind water policies, where little is available within the policy itself to build up gender approaches.

NATIONAL EXAMPLES

Water Rights

The situation of water rights is not very clear in Pakistan, but the principles of entitlement to common resources are better established in *shamilat* laws, by precedent and custom. The ownership of land usually remains a proxy for water rights especially in agricultural areas. Given that few women own agricultural lands (or control the lands, even if owned) or manage these lands, their 'rights' to water are ill-defined. However, in the case of groups that depend of common resources, the access of women to land (for grazing, gathering, periodic planting) and to water (for drinking, watering animals and watering of small scale cultivation) does not seem to be significantly less than those of men from the same group. However, restrictions on mobility of women for social, developmental, economic or recreational purposes remain, but are not a gender issue in terms of access to water per se.

Water Laws

Pakistan does not have a comprehensive set of water laws that define water rights, uses, value, principles of pricing, subsidies, and conservation or polluter penalties. However the 1991 Water Accord determines water distribution among the provinces and the NEQS refer to water

qualities.

Pakistan does not have a single national regulatory framework as yet which deals with use of water. However, Baluchistan has a provincial groundwater regulatory framework which deals with preserving, extracting and maintaining a balance of groundwater. This framework does not make any specific reference to gender.

Water and Related Policies

Pakistan's draft National Water Policy is a general policy on water and has been developed through extensive consultations with key stakeholders (including women). One of its stated policy objectives is the rights to water of the poor, with special emphasis on women and children, who are to be re protected. There is an indirect overall gender perspective, in that the draft policy repeatedly refers to "all stakeholders". However, specific mention is made of women in the section on water rights, allocations and trading:

Issues

- Inequity of water allocation and distribution in head and tail reaches of channels.
- No proper policies for allocation of water during low and abundant periods
- Lack of enabling environment for water trading, efficient use of water.

Policy Objectives

The Government of Pakistan wishes to ensure that:

- All citizens have equal right of access to clean water and effective sanitation facilities.
- Equity will be achieved in water allocation and distribution for agriculture.
- The rights to water of the poor, with special emphasis on women and children are protected.
- Trading of water leading to efficient distribution and utilization of available water supplies are permitted.
- There is consideration of the special needs of women, children and the poor and disadvantaged.
- There is consideration of alternative methods of equitable water distribution.
- Participation and involvement of women, children and the communities in water resources management is established.
- There is promotion of active involvement of women children, poor and vulnerable groups

Policy Statements

- Create an enabling environment for active stakeholder consultation and participation at all levels and in all aspects of the water sector. Special attention will be given to the role of women and the active involvement of poor and disadvantaged groups.
- Institutional framework to secure economic and social development of the water sector on an equitable and sustainable basis, and to assure public health based on good environmental management and water quality (*National water Policy- Policy Statements, Ministry of Water and Power GoP, Associated Consulting Engineers ACE Pvt LTD/Halcrow Group Ltd*).

The water policy environment also includes the following:

- The Pakistan Water Resources Strategy (Ministry of Water and Power, 2002)
- The Water Policy Statements
- Ten Year Perspective Plan (Planning Commission, 2001)
- Vision 2025 (Water and Power Development Authority, 2001)
- Vision and Framework for Action (Pakistan Water Partnership, 2000)
- Pakistan Water Strategy (Ministry of Water and Power, 2000)

The *National Drinking Water Policy*, September 2009-chapter 6: Policy Guideline point 6.5 on Community Participation and Empowerment states:

- Participation of communities, especially women and children, in planning, implementation, monitoring and operations and maintenance of water supply systems will be encouraged to promote community ownership and empowerment as well as sustainability.
- Every public sector project will have special allocation for community mobilization.
- Community mobilization units will be established in water supply related institutions.
- Special focus will be placed on gender training programs for the staff of water supply related institution at all levels so that they are able to respond in a sensitive manner to the gender differentiated needs in the drinking water sector.
- Special efforts will be made to recruit and induct women in water supply related institutions and other relevant agencies to ensure that the needs of women are adequately addressed in design and operation and maintenance of water supply systems and
 - Representation of women councilors in all review and decision making forums regarding drinking water supply at the district, tehsil and union council levels will be ensured.

The National Conservation Strategy (NCS) of Pakistan, although an excellent document in terms of identifying the environmental issues of Pakistan, NCS has little to say on participation, disadvantaged groups or gender. However, the mid-term review of National Conservation Strategy (NCS), May-June, 2000 pointed out the slow integration of gender concerns and made recommendations for enabling mechanisms.

The Draft Environment Policy is a very comprehensive and well-written document that examines environmental issues in their relationship to the challenges of human and social development. The document also touches upon the Pakistan Environmental Protection Act, 1997 and the National Environmental Quality Standards, and contains sector projects portfolio and an implementation matrix.

The Environment Policy speaks briefly of involving women in decision-making and to convey conservation ethics. The National Forest Policy (Govt of Pakistan, Ministry of Environment, Local Government and Rural Development, Jan 2002) is very technical and covers many threatened ecosystems. It has nothing to say on social issues or gender. In the same way the draft Resettlement Policy (GoP 2002) has no reference to gender.

The Local Government Ordinance affirms the promotion of local government institutions as a principal of state policy. Special representation to peasants, workers and women in such institutions is promised. The ordinance itself does not mention gender clauses per se, but the reservation of 33 percent local government seats for women (and elections against those seats) is a major step towards empowering women politically.

Interestingly Pakistan's National Plan of Action (NPA) for Women contains a whole chapter on women and the environment that makes several references to water. Women are cited as users, stakeholders and managers of water, and there is mention of their role and the impact on them of water degradation and depletion. The particular impact of the depletion of freshwater sources on women fetching household water and the impact of pollution on household health is also discussed. In the case of Pakistan, the NPA can be used effectively to 'genderize' water for nature initiatives. Water for Nature and Gender in South Asia - A Chapter for the First Annual Report of the Gender and Water Alliance (GWA), Raasta Development Consultants, July 2002 gives details of gender and water/environment clauses from the NPA.

The Framework for Action (FFA) for achieving the Pakistan Water Vision 2025 (PWP 2000) also carries a whole chapter on gender mainstreaming. It acknowledges that there are several areas relating to water, which concern women, such as domestic water supply or irrigation water use where women are the owners of the irrigated lands, but women are excluded in all matters pertaining to water development and management and public sector departments that deal with water.

Planning Processes

The government of Pakistan considers water resources planning and management to be a central part of their responsibility. Within the Planning Commission there has been a proactive attempt to induct women and to develop gender focal points with a view to have them carry out gender assessments of programmes and projects that are floated for funding through the government system. While there is no specific gender audit arrangements in place as yet, attempts are underway to develop guidelines for gender audit and to have these institutionalized through the Planning Commission in all government departments. Once these arrangements are in place they are likely to 'genderize' the water initiative as well.