IMPLEMENTATION OF THE HUMAN RIGHT TO WATER IN KHAYELITSHA, SOUTH AFRICA: LESSONS FROM A “LIVED EXPERIENCE” PERSPECTIVE

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ABSTRACT
The recognition of the right to water as a universal human right marks a milestone in the realm of water governance, and yet scholars and policy makers continue to debate the successes and failures of its implementation as the ways this right is negotiated, experienced and struggled for in different contexts still remain key challenges. This paper looks at the on the ground implementation of the human right to water by focusing on lived experiences and material conditions of water access in an impoverished urban area in Cape Town – Site C, Khayelitsha. One of the main findings of this work is that the material conditions of water access and the social and cultural associations they carry accentuate an introduced inequality between shack dwellers and owners of formal housing. I will argue that a focus on materiality within the scholarship on lived experiences with rights can not only add more nuance and better understanding of the quotidian experiences with the right to water, but it can also reveal levels of difference and experiences of relative marginalization produced by the material conditions of water access. I will also argue that the lens of ‘lived experiences of rights’ can help reveal socio-political processes of marginalisation that may remain invisible if we only look at political conditions of implementation (e.g., policy) and at the extent of basic infrastructure coverage (e.g., access to basic water services).

1. INTRODUCTION
Even though the Human Right to Water was officially recognized by the United Nations General Assembly as a human right in July 2010 and considerable achievements in extending water access in countries such as South Africa have been made, safe and equitable access to water continues to be a key concern in human development debates. The recognition of the right to water as a universal human right marks a milestone in the realm of water governance, and yet scholars and policy makers continue to debate the successes and failures of its implementation as the ways this right is negotiated, experienced and struggled for in different contexts still remain key challenges (Mirosa & Harris, 2011; Parmar, 2008; Sultana & Loftus, 2012). As millions of people today still lack access to safe and affordable water and as access to water remains highly unequal in quality and quantity throughout the globe (Mehta, 2014), these debates will continue to gain traction. Equitable and universal access to water (among other resources) is particularly important in the context of post-apartheid South Africa where political discourses since 1994 have committed to redressing deeply rooted historical inequalities through improvements of quality of life for formerly marginalized populations and through progressive democratic legislation that includes a constitutional guarantee of the right of all citizens to access sufficient water, among others.
Policy and academic debates around the Human Right to Water tend to engage mostly in the political and legal dimensions of implementation. Typically, discourses around the human right to water often do not directly engage with the material conditions of water access and their implications for wellbeing and marginalization. Without diminishing the significance of these debates, this paper instead chooses to focus on the on the ground actualization of the human right to water in South Africa by looking at the material –or physical- aspects of water access and its significance in people’s daily lives. This paper investigates the on the ground implementation of the right through a ‘lived experiences’ perspective in the context of partially formalized area in an impoverished urban township – Site C, Khayelitsha, Cape Town. I will argue that a focus on materiality within the scholarship on lived experiences with rights can not only add more nuance and better understanding of the grounded experiences with the right to water, but it can also reveal levels of difference and experiences of relative marginalization produced by the material conditions of water access. I will also argue that the lens of ‘lived experiences’ of rights can help reveal socio-political as well as material struggles to access water even when the actual language of ‘rights’ per se may not be paramount in these struggles. Such processes may remain invisible if we only look at political conditions of implementation (e.g., policy) and at the extent of basic infrastructure coverage (e.g., access to basic water services).

Drawing on recent debates related to notions of the ‘material’ in resource governance (Bakker & Bridge, 2006; also see Social Studies of Science 42(4)2012 volume), this paper argues that a focus on materiality – or the physical conditions of water access - within a ‘lived experiences’ framework can contribute to a more grounded and context-specific understanding of how the right to water impacts people’s daily lives. This approach helps elucidate levels of difference and relative marginalization that may otherwise be masked by relative successes of progressive policies in place to secure universal human right to water. In the context of this study a material lens helps to better understand the implications of the implementation of the Human Right to Water in South Africa for water use and quality of life, and marginalization more generally.

This study looks at South Africa as it is often brought up as an example of progressive realization of the human right to water. South Africa has a constitutional guarantee of the right of all citizens to access sufficient water, national guidelines that pose limitations on discontinuation of services for non-payment (Water Services Act no 108 of 1997) and a policy that sets minimum amounts of water for basic needs for free (Free Basic Water policy). To investigate the actual realization of access to water in relatively marginalized context, however, this study looks at Site C, a partially informal shack settlement that is currently undergoing a formalization process that consists of housing and services upgrades. Access to safe and sufficient amounts of water in the area is physically realized through municipal water services. Cape Town has been particularly successful in extending access to basic
amount of water in marginalized urban areas, such as impoverished neighbourhoods, slums and some informal settlements. However, as water coverage statistics paint a success story (with 96.6% of households with access to basic water services (SSA, 2012), the on the ground experiences with water access reveal introduced inequality between shack dwellers and residents of subsidized built homes in areas where service inequality among residents did not exist before.

From the perspective of lived experiences with water access, residents of Site C access water through two types of municipal water services - communal and private (or in-house) connections. Narratives around access and use of private and communal water taps helped elicit different social values and logics attached to different forms of water services and their impact on wellbeing and marginalization. More specifically, communal water services, used mostly by shack dwellers, are often described as filthy, unsafe, and unacceptable, whereas private water services, used by residents of subsidized built, or formalized, homes, are often portrayed as more appropriate and legitimate for they signify government recognition of the right to live in this urban area. Logics of water use also change with the shift from communal to private taps, whereby private taps are associated with conservative water use and unwillingness to share water with shack dwellers– a tendency that signals a shift away from customary communal uses of water and also has the potential to exacerbate the relative marginalization of shack dwellers as it deprives them from alternative forms of water access when communal taps are unavailable or out of commission. A ‘lived experiences’ lens with a focus on the material aspects of water access here help reveal a level of complexity that would remain invisible if we only consider the polices in place and infrastructure extension. This approach helped bring out the divergent experiences of residents of Site C that illustrate relative marginalization of shacks dwellers. This is directly linked to the provision of water services through the formalization process that essentially introduce a level of inequality within the community that did not exist prior to these processes.

2. RIGHTS TO RESOURCES
One interesting aspect of the human right to water is that it is the only fundamental explicit human right to a resource recognized by the United Nations General Assembly. Water as a resource is particularly variable across time and space and its state and availability depend on biophysical conditions, technologies (taps, pipes, dams), institutions, and different allocation regimes shaped by politics, discourses, and everyday realities of water access (Mehta, 2014). To understand how it is realized how claims to this right are made, and what the material conditions of water access actually mean in people’s daily lived, we would need to consider not only the rights frameworks in place but
also the politics and struggles around access to water resources – even if not always explicitly linked to human rights discourses. In fact, struggles to access key resources, such as water, often occur even when there are no legal rights frameworks in place that provide entitlements to these resources (Newell & Wheeler, 2006). It is therefore key to unpack and understand existing negotiations around water access itself when we evaluate the legal rights framework that enables the human right to water.

As the authors in *Rights, Resources and the Politics of Accountability* (2006) investigate, resources are not politically neutral entities, but rather their distribution and governance are embedded in broader socio-political dynamics. Questions of access, management and distribution of resources will also vary when we consider different kinds of resources (e.g., oil or water). “Each implies a different infrastructure, brings different actors into conflict, implies different sensitivities and is symbolically and culturally understood in a distinct way” (Newell & Wheeler, 2006, p. 5). In sum, the way the Human Right to Water is actualized depends on the way water resources are accessed, distributed and governed. The material conditions of access and use of resources are particularly important as they can significantly contribute to processes of exclusion (e.g., when some have access to water and others do not) and also shape resistance and social struggle to access or improve access to water resources. Therefore, understanding how the human right to water is actualized should be more attentive to the material conditions of water access and water use and their meaning in people’s daily lives, especially for marginalized men and women. Focusing on elements of everyday lived experiences with water access – namely how water is accessed, used and thought about in quotidian routines – can be thus helpful as it sheds light on the on-the-ground realization a right to water, especially in contexts where the political language of the human right to water *per se* may not resonate with people, such as the case study discussed in this paper.

3. WHY LIVED EXPERIENCES WITH WATER?

The way people experience rights emerges from the material and socio-political realities they live in. As a result, human rights mean different things to different people (Parmar, 2008) in different contexts (SLSA Team, 2003). As argued elsewhere, the consequences of this plurality, the meanings, the norms, the language and practice of human rights are deeply contested. Rights are not simply handed down, but they are a product of struggles that constantly challenge and redefine their meaning and practice (Cindy Clark, Reilly, & Wheeler, 2005; Parmar, 2008). There has been, however, a tendency to view human rights as set in stone, or handed down from the top, through international law or domestic policies. This view has been problematized as it provides little room for bringing new voices into the rights discourse and sidelines the fact that rights are often the product of centuries of struggle
of different populations to actualize specific human needs and aspirations (Cindy Clark et al., 2005). Here, the lens of lived experiences can help to encompass various dimensions of the implementation of rights, such as material, political, affective, etc., and thus lend a conceptual tool in investigating and evaluating the actualization of rights.

Prominent critiques of the dominant discourses on the human right to water have long recognized dissonances between this right “on paper” and actual realities on the ground. Among the main critiques of the HRW is its roots in western-centric rights framework that draws on ideas of neutrality, universality and individuality (Bakker, 2012a; Mirosa & Harris, 2011; Parmar, 2008; Sultana & Loftus, 2012) and continuing northern/western hegemonies (Douzinas, 2007). In response, calls have been made for more context-specific and place-based approaches to implementation of this right that account for actual practices of struggles or negotiations around water access as well as the socio-political processes through access is actualized. In this regard, many authors have brought attention to questions of justice and equity (e.g. Wutich, Brewis, Sigurdsson, Stotts, & York, 2013) that highlight participation in water governance as one key requirement to its successful implementation. Participation is critical in that it opens up spaces to co-shape how the human right to water is realized, namely what policies, institutions and technologies are involved in providing universal access to adequate and sufficient water (Brooks, 2007; Clark, 2012; Linton, 2012; Sultana & Loftus, 2012).

However, participation alone is not likely to fully solve the challenge of implementing the human right to water because of concerns regarding the possibility for marginalized populations to directly engage in governance (Clark et al., 2005; Mehta, 2006; Mollard & Berry, 2010; Parmar, 2008; Wilson & Perret, 2010). In many contexts, unequal access to resources as well as uneven distribution of political entitlements among citizens, can negatively affect the exercise of citizenship rights of marginalized populations, such as slum dwellers, women, and the urban poor (Bakker, 2010; Cindy Clark et al., 2005; McEwan, 2003; Mehta, 2004; Mehta & Napier-Moore, 2010; Newell & Wheeler, 2006). For instance, informal settlements are often in an exceptionally vulnerable position not only because of inequalities in water supply and sanitation but also because of lack of legitimate ways to claim rights to services. Even when citizenship rights are recognized in law, they are often not realized in practice as lack of secure tenure rights, education, and social status may inhibit possibilities to engage in formal governance processes to claim rights. A lived experiences perspective thus becomes key in understanding how rights are actually realized or struggled for because it offers a lens through which marginalized populations and rights claiming practices may be invisible.

Lived experiences approach can be particularly insightful because it can also help us focus on how the poor and the marginalized claim their rights and demand accountability. This is crucial for a deeper
understanding of how rights are realized as the perspective of marginalized groups alters how formal rights are given meaning (Pettit & Wheeler, 2005). The perspective of those claiming rights helps “transform defined normative parameters of human rights debates, questions established conceptual categories and expands the range of claims that are validated as rights” (Nyamu-Musembi, 2002, p. 1). For example, speaking to critiques of the HRW as western-centric and individualizing, HRW has been evoked to advance the struggles of marginalized groups to pursue their traditional livelihoods (Morinville & Rodina, 2013). This highlights the growing awareness among critical human rights scholarship that considering human rights only from a legal/institutional perspective does little to enable an understanding of the way they actually work on the ground.

Work on bottom up approaches to understanding rights has gained significant insights from a growing interest in the everyday experiences of rights by feminist scholars. Clark, Reilly & Wheeler (2005), for example, demonstrate how if women and men face domestic violence in their homes, their personal experiences may prevent them from enjoying formal rights such as voting. Clark, Reilly & Wheeler (2005) argue that a gendered analysis of rights brings an understanding that rights do not simply apply to a “neutral” individual, “but the application and enjoyment of rights differ according to a person’s power and position in society and the roles that are attributed to him or her.” In these ways we see that a notion of rights detached from lived realities is telling us very little about the meaning and actualization of rights. By contrast, a focus on everyday lived experiences of rights allows us to attend to the effects of uneven implementation and realization of rights and how they play out at different levels, including economic, social, political as well as the personal.

The contributions of gender in the understanding of rights helps to bring out the role of power relations in daily interactions, shaped not only by differences in gender roles, but also by differences assigned on the basis of race, class, ethnicity, etc (Crow & Sultana, 2002). Power and how it is distributed structurally and experienced individually in daily lives is an essential focus in understanding lived experiences with rights. One possible aspect of these experiences with respect to empowerment is a sense of dignity. This has been pointed out in recent research on gender and citizenship in Brazil that highlights the differences in the ways rights are experienced in daily life by men and women in the Rio de Janeiro’s favelas (squatter settlements). This research suggests that dignity (and lack thereof among residents of favelas) is one of they key aspects of citizenship as it affects experiences of inclusion (Wheeler, 2005). This work further argues that without dignity the formal rights, enshrined in the progressive constitution of Brazil, are essentially meaningless to marginalized men and women.

In sum, the concept of lived experiences of rights has been brought forward because it allows us to shift our focus away from questions of policy and municipal service delivery to the experiences of
struggle and oppression of those who claim rights (Cindy Clark et al., 2005; Parmar, 2008). Focus on lived experiences can further our understating of the implementation of the HRW as the mainstream discourse on the right to water can be somewhat narrow because it does not represent the lived experiences of people who are involved in struggles over access to water - whether that be issues of participation in water governance, differentiated access to water, or experiences of dignity that similarly relate to modes of water access and use. As argued elsewhere, failing to directly interrogate the limitations of the dominant discourse, the human right to water risks reproducing “problematic assumptions and collective histories of exclusion” (Parmar, 2008). In addition, lived experiences help reveal particular struggles to access resources even when the language of human rights is not directly invoked by marginalized people involved in these struggles. This is particularly useful considering that human rights, as embedded in colonial and western notions, are often foreign or unfamiliar to those involved in social struggle and claim-making.

4. MATERIALITY AND LIVED EXPERIENCES OF THE RIGHT TO WATER

A number of scholars within the field of political ecology have put forward broader calls for the consideration of materiality (in the sense of the bio-physical characteristics) of water in conceptualizing the relationship between humans and natural resources (Anand, 2011; Bakker, 2012; Bakker & Bridge, 2006; Barnes, 2012; Birkenholtz, 2009; Braun, 2008; Bridge & Smith, 2003; Carroll, 2012; Carse, 2012; Castree, 2003b; de Laet & Mol, 2000). The concept of materiality, albeit complex and not uniformly conceptualized, encompasses the varied biophysical characteristics of a resource and the ways in which it is accessed (i.e., water pipes or pumps that enable access to water) not necessarily in and of themselves, but rather in relation to broader socio-political processes that govern access to resources. For instance, the materiality of water access can be investigated by looking at how technologies of water access are embedded in socio-political processes of urban planning that often reproduce and create new social inequalities between spaces of the city, some with better access than others (Anand, 2011; Bakker, 2003; Birkenholtz, 2009). Materiality is therefore a nuanced concept that goes beyond the mere logistics or convenience of water access. Instead, it refers to the socio-physical conditions out of which water is accessed, as well as the biophysical properties of the water itself (in terms of its characteristics, binding properties, and so forth). For example, attention has been brought to the fluid, or continuously circulating, nature of water which contributes to it being “uncooperative” and therefore posing significant challenges to its commodification (Bakker, 2005).

These new invocations of the non-human (resources in particular) are complex and have made intellectual contributions in several directions, including questions of the commodification of resources; work on the social significance of material objects; socio-natural and socio-technical hybridity, and so forth (Bakker & Bridge, 2006; Castree, 2003a; McFarlane, 2011;Swyngedouw, 2006). Particularly with respect to water, recently attention has been brought to the materiality of this resource in terms of the linkages between the biophysical and cultural characteristics of water (see Special Issue of Social Studies, (Barnes & Alatout, 2012; Loftus, 2009).
Significant theoretical contributions have been made not only in re-conceptualizing the bio-physicality of water, but also with respect to the technologies involved in accessing, managing and distributing water (Anand, 2011; Bakker, 2012b; Barnes, 2012; Birkenholtz, 2009; Carroll, 2012; Carse, 2012; de Laet & Mol, 2000; Sultana, 2013). Some of the important themes identified within the above-mentioned intellectual contributions include the importance of considerations of materiality in revealing processes of inclusion and exclusion in people’s daily lives. Resources and technologies that make them available are embedded in and in turn influence existing socio-political dynamics, institutions and governance. In other words, the material objects in people’s lives, from assembled homes in slums (Bakker, 2003; McFarlane, 2008; 2011) to water meters (Loftus, 2009; Ruiters, 2005), play an important role in how marginalization is experienced.

For example, new water pumping technologies may aggravate existing inequalities by concentrating power in existing elite structures and transforming existing irrigation practices to the disadvantage of marginalized farmers (Birkenholtz, 2009; Pillay, Tomlinson, & Toit, 2006). Attention to water pressure - conceptualized as both the physical and social relations that enable access to water - in the slums in Mumbai, as another example, helps to uncover how water claims are made (Anand, 2011; Pillay et al., 2006). The technological and social strategies used to create “pressure” in order to access water elucidate the ways in which some groups are excluded from the ability to access sufficient water. As water supply and sanitation infrastructures have historically patterned urban experiences (Bakker, 2003; McFarlane, 2008; Patrick & Dugard, 2008), better understanding of the materiality of these experiences sheds light onto broader questions of urban governmentality (Patrick & Dugard, 2008; Ruiters, 2005), including what urban citizenship actually means for people and how it is experienced differently by different urban groups.

The notion of lived experiences of human rights has been largely focused on processes of socio-political exclusion of marginalized populations, however the material dimensions of this exclusion have not received as much analytical attention, although they have been recognized as important constituents of exclusionary processes. In this sense, materiality unquestionably plays an important role in people’s daily lives, but also in people’s struggles for better living conditions. A better understanding of the conditions and modes of access to essential resources like water also helps reveal socially constructed processes of exclusion, that may not be as readily noticeable. The lens of materiality, and particularly the experiences with materiality, can lend deeper insights in understanding how human rights are experienced in daily lives. I argue that a focus on materiality within the scholarship on lived notions of rights can not only add more nuance and better understanding of the
grounded experiences with the right to water, but it can also reveal levels of difference and experiences of relative marginalization produced by the material conditions of water access.

5. METHODOLOGY
To illustrate the ways in which the realization of the HRW creates new inequalities in underserved urban areas, I investigate a case study from the Site C area in Khayelitsha, a partially informal and mostly black township in Cape Town in the province of the Western Cape in South Africa. The empirical base for this work is drawn from 34 interviews and four focus groups conducted in 2012 and 2013. Due to high levels of criminal activity, increased incidence of social protests and related security concerns, field visits were scheduled only in the mornings during the working week which has the potential to affect the sample, for instance, by excluding members of the community with jobs during regular work week hours and residents who commute to the city either for work or in search of income opportunities. The final sample of interview participants includes is almost evenly split between men and women with roughly half residing in shacks and half in subsidized homes. Considering the politics of racial segregation in South Africa, it is important to note the positionality of the researcher as a white female from a western/northern country, working in a mostly Xhosa community (see discussion of the some of the implications for these tensions in Alkon, 2011).

6. CASE STUDY: SITE C, KHAYELITSHA
The City of Cape Town has been relatively successful in extending basic access to improved sources of water to the many impoverished areas of Cape Town, including informal and semi-informal black and coloured townships, thus complying with the Free Basic Water (FBW) policy and the constitutional guarantee of access to sufficient water (see Figure 1). The FBW policy mechanism was implemented in 2001 to ensure that the constitutional right to water is realized for everyone in South Africa, regardless of ability to pay. At present, this policy mandates municipalities to provide at least 25 litres per person per day of free water for basic needs within 200 metres from home. In compliance with this policy, in 2011, an estimated 96.6% of households in Cape Town had access to piped water within 200 meters

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2 In South Africa informal settlements are sites that played an important role in the dismantlement of the apartheid state through massive social mobilization. The term “informal”, however, as used across different contexts to designate illegal or unregulated urban development, tends to omit the historical and political significance of these areas in South Africa. As well, residents of these settlements often do have formal title (and increasingly so with RDP related registration).

3 In South Africa, the term “township” usually caries apartheid connotations and refers to impoverished urban areas that under apartheid that were reserved for non-whites, such as black Africans, or Coloreds (referring to peoples of mixed race).

4 A 250 household survey of residents in Khayelitsha and Philippi served to provide additional background (Harris, Goldin, Darwah, EDGES, AOW, 2012).

5 The unemployment rate in Site C is estimated at 42.2% according to the most recent census (CCT, 2013a; 2013b).

6 As per the WHO/UNICEF Joint Monitoring Program on progress on water and sanitation, improved drinking water sources include public taps or standpipes, tube wells or boreholes, protected dug wells, protected springs and rainwater collection in addition to piped water on premises (dwelling, plot or yard) (WHOUNICEF, 2008, p. 22)
from home while 87% of households had access to piped water inside their dwelling or yard (CCT, 2012).  

![Diagram](image)

**Figure 1. Implementation of the human right to water in South Africa**

Khayelitsha is one of many townships in Cape Town, which have seen a considerable increase in the supply of communal taps since 2000 in compliance with these policies. In addition, as part of efforts to supply housing and eradicate slums (Huchzermeyer, 2004), Khayelitsha is undergoing a formalization process whereby shacks are gradually being replaced with government-subsidised homes (or RDP homes, named after the Reconstruction and Development Program of 1994). In addition to built homes, the process of formalization also involves provision of private in-house taps as well as in-house sanitation facilities. Currently, roughly half of Khayelitsha is formalized, whereas the rest of the residents of the township - including those registered through the housing program waiting for formal housing as well as the increasing number of new unregistered informal dwellers - live in shacks. Those in shacks generally use communal taps commonly located on the sides of streets, and communal toilets. In sum, residents of Khayelitsha are currently accessing water through two kinds of piped water and sanitation services – communal and private (or in-house). This divide aligns with a formal-informal divide (those who have qualified and received housing) and those who do not qualify or have not yet received housing.

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7 Relatively good access to water services is also confirmed by our South Africa-Ghana survey of 2012, which shows that 96% of the residents of Khayelitsha and Phillipi, both semi-formal townships in Cape Town, have access to water through in-yard connections and municipal standpipes/communal taps (Harris et al., 2012). In addition, a vast majority of these residents (83%) claim to access water easily as it is almost always available and 93% agree that the water they get is of good quality.
7. EXPERIENCES WITH WATER SERVICES ELICITED THROUGH NARRATIVES

A key finding of the qualitative work carried over the period of 5 months in total in 2012 and 2013 is that there are different social and cultural associations with different forms of water services that have a real impact on people’s daily lives. We see in the interview data that the experiences with different forms of access accentuate sense of marginalization that is differentiated based on housing type, social status and gender. Major themes throughout the narratives of experiencing water access are a sense of relative deprivation, safety concerns (both related to crime and health risks) and differentiated ideas around water sharing and conservation, linked to the shift from communal to private (or in-house) taps. Even though access to sufficient water was very rarely brought up explicitly as a challenge, the different experiences with communal and private water services nonetheless reveal a degree of relative marginalization of shack dwellers vis-à-vis RDP home owners that did not exist prior to the formalization process.

Table 1. Summary of experiences with water services related to the material conditions of water access (communal vs private) as distilled from research data

<table>
<thead>
<tr>
<th></th>
<th>Hygiene</th>
<th>Safety</th>
<th>Water use: Sharing</th>
<th>Water use: Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private (in-house) tap</strong></td>
<td>Clean and hygienic, easy to keep clean</td>
<td>Safe, can be used at any time of day and night</td>
<td>Implies ownership, not shared with community members because it costs money</td>
<td>Allows for water conservation as it is easy to control water use and restricts use to only one person/household</td>
</tr>
<tr>
<td><strong>Communal tap</strong></td>
<td>Filthy, dirty, wet; people do “nasty things” around them; posing health risks for children; similar to village taps for cattle</td>
<td>Unsafe at night due to crime, unsafe for children due to risk of being hit by a car</td>
<td>Shared by community members; socializing around the tap-laundry and dish-washing often done at the tap; occasional conflict at the tap</td>
<td>Wasteful, used irresponsibly by community members; children play with water and waste it</td>
</tr>
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</table>

Further with respect to differentiated experiences with services, communal taps are perceived as “dirtier,” posing health risks, especially for children, and exposing residents to risks of crime. To the contrary, private taps are perceived as safer and more appropriate in the sense improvement of living conditions that many shack dwellers have been expecting for a long time. Private taps are also considered to stimulate responsible and conservative use of water and therefore are seen as superior forms of water service, while communal taps are seen as wasteful. Lastly, ideas around sharing and conservation of water change with the shift from communal taps to private taps – a change in attitudes
that is linked to payment of water and notions of responsible water use. I detail and unpack all of these themes in the discussion below, providing quotes and examples whenever possible.

Hygiene
In both the individual interviews and the focus groups, communal taps were often described as dirty, filthy and messy. Here is an example from our fourth focus group, where we invited four males (late forties and early fifties) from Site C who live in shacks. A big part of the conversation took place in Xhosa. With the help of an interpreter, after the introductions I began with a broad question, inviting the participants to describe what it was like to use a communal tap, and what kinds of things they liked or did not like about it. Many participants described the dirty conditions of the taps in similar ways:

"It's full of plastics and papers, or sometimes there's a lot of grass and the place is always filled with water. And some people... what they do is that they go and do their washing, [and] sometimes wash their dishes and leave the place filthy." (Focus group # 4, male, lives in a shack)

Similarly, a female in her mid-thirties in a focus groups with females living in shacks brought up the issue of cleanliness during a group discussion with the other women, describing the different aspects of accessing water from communal water sources.

"Nome: Yhor! It's not easy! It's not good. It’s bad that you have a tap in your yard... for us it’s not even a tap that we are using. It’s a pipe. It used to be a tap but now there is no that thing…
Translator: Top.
Nome: That thing, yeah, yeah. So we are fetching water from that pipe, so children come and play there, and other people come do their laundries there, others come do their dishes there... so it's filthy, it’s not clean, not hygienic, you know, so it’s bad..." (Focus Group #3, female, late thirties, lives in shack)

One of the main implications of the dirty conditions of the taps is the uncertainty around the possibility of contracting disease. For instance, note this abstract from a conversation in the focus group with men living in shacks. We were discussing and brainstorming as a group about the different aspects of using communal taps. The first point that was again brought up was the taps were dirty:

"Lilo: [Xhosa] There is dirty water there and the children also play there, and that could make them susceptible to diseases.
Interpreter: He is also adding on that some… in most cases children go there to play and they get infected by viruses ending up having diseases." (Focus Group #4, male, living in shack)
The ways in which the communal taps are described sometimes reveal feelings of embarrassment. Even though it was not usually expressed explicitly in narratives, embarrassment was at times evident in facial expressions, tone of voice, silences, awkward laughter and body language. In the focus group with women living in shacks, Nome, one of the four women participants, laughed awkwardly as she was describing the dilapidated conditions of the source where she accessed water, possibly in attempt to make light of a rather irritating situation.

Interviewer: What about hygiene? You were just saying that it would be more hygienic to have it (the tap) inside.
Nome: Yes, more hygienic.
Interviewer: Why is that?
Nome: Uuhhmm [pause]. I’ll talk about the one that I’m using… it’s not a tap… (long pause)
Interviewer: You said it was a pipe? (a little confused)
Nome: Yah, we are using a pipe… After you are finish fetching water, you have to put down that pipe (the hose) into the sand… so that the water does not leak….
Interviewer: Is it a hose that is attached to the pipe?
Nome: You can [laughter]… it’s funny, serious. You can just put it in the sand, no matter where you like, just put it there so that it cannot leak. So when you come again to fetch water you have to pick it up… then it’s dirty, it’s dirty.. the place is full of mud… it’s always wet… yah… (Focus Group #3, female, late thirties, lives in a shack)

In my conversations with community members I was often left with the impression that the state of the communal services (drinking water taps and toilets) sometimes caused frustration because they are considered inappropriate for the amount of time that informal residents have been waiting for RDP homes and private in-house service connections that come with them. In one of my interviews I spoke to Stambo 45 year-old single man, living in a rather spacious dilapidated shack just outside the outer road that marks the end of Site C.

Interviewer: So is everybody going to get a tap inside? Is everyone in Site C going to get a tap inside the house at some point?
Stambo: No, it’s not everyone…
Interviewer: Not everyone?
Stambo: It’s not everyone… even me.. I’m still waiting. There are many people still waiting just like me (referring to shack dwellers)… so we are still waiting for our call because government said “no” to people a lot. So they must wait this long…
[…]
Interviewer: What will happen when they (the municipality) give everyone a meter box (water meters)? Will people have to pay for it or not?
Stambo: No, they just give them free, because of the way we stay… government … no it’s been a long time these people (shack dwellers) are used to stay in a bad conditions...(raises his voice) in a bad conditions, where people are not qualified to stay in that type of living! (Interview #24, male, 45 years old, lives in informal shack)

In the following abstract, even though referring to sanitation more specifically, another community member expressed his frustration in a loud and agitated voice:

Interviewer: So my next questions are about Khayelitsha generally. What do you think, in your own opinion, are big problems here, in Site C, with water?
Mzuleka: There is a lot, sis (sister), lot of people here don’t have even a sewerage! You can go to your neighbor and ask for water, sewerage… Sewerage! This is the worst thing… you can get most of people still live in temporal shacks… some people do not have access here to water…. You need to go the those people’s houses (RDP houses) and ask for water… (Interview #7, male, mid-forties, lives in RDP home).

The frustration of this resident reveals the inappropriateness of having to ask RDP homeowners for water and also the inconvenience of having to ask to use a neighbour’s toilet. What is particularly interesting here is that the situation is aggravated by a comparison with RDP home-owners. This sense relative deprivation likely contributes to a notion that communal and shared water and sanitation services (what is available to shack dwellers and those not yet in formalized housing) are inappropriate and even unfair.

Lastly, some community members drew linkages between communal taps and drinking basins for cattle in rural areas, signalling the tension between notions of modernity/urban life in the city in the present and living in rural areas in the past. For example, in my first focus group, where we invited four women living in RDP homes, after the introductions I asked, “What is different about having an inside tap as opposed to using a communal tap?” and gave the women a couple of minutes to think about their responses, then went around the room to hear every woman’s opinion. The first comment was about waiting in line at the tap (“you have to stand in a long queue”), followed by mention of the messiness (“others even wash their teeth at the tap and make a mess”). Then one of the women said:

Using communal taps is like being in the rural areas. In the rural areas people are practicing subsistence farming, they have cattle. Now, some of these cattle go and drink in damps [puddles] that are near by the tap so the cattle creates a mess. (Focus Group #1, female, living in an RDP home)
Linkages with rural areas were invoked in many of my conversations, and even though at the time of fieldwork I did not focus more specifically on these narratives, their frequent occurrence in relation to past practices back in the Eastern Cape province signalled a tension between notions of urban and rural lives. Ideas about what is considered appropriate in urban contexts is likely derived from notions of modernity that are further instilled through the formalization process in areas like Site C.

**Safety**

Safety was another prominent concern related to the use of communal taps, both in terms of personal safety from crime and in terms of health risks. As gang violence is persistently one of the bigger concerns in the area (Goldin, 2013; Thompson & Matheza, 2005; Thompson, Nleya, & Africa, 2011), fetching water at night or in areas with higher concentration of crime becomes very problematic, especially for women. Crime is part of daily life in Site C and many residents feel fairly helpless in addressing it, as evident in the narrative of this woman, Makhazi, in her mid-fifties, who has been residing in Site C since 1996:

*Interviewer: What kinds of things you do not like about this area?*
*Makhazi: This place is [unclear word], (meaning) too much crime.*

*Interviewer: Do you worry about the crime here?*
*Makhazi: No… I don’t worry… it’s a long time staying like that… (It has been like this for a long time)*

*Interviewer: You are used to it?*  
*Makhazi: (silence) I am used to it.*

*Interviewer: Do you have a problem to go outside at night to get the water?*  
*Makhazi: Ya, there was a problem to go at night, even to go to the toilet, you can’t. I’m scared of petty crimes. (Interview #2, female, living in an RDP home)*

When I asked the male participants in the focus groups about how safe the communal taps were, they talked about the risks of getting involved with gang members.

*Interviewer: What about safety? Let’s say fetching water at night?*  
*Sipho: [Xhosa] No, it’s not safe to fetch water late. You must at least go and fetch water around past 7, around 8 or 9 (pm). We are facing a problem.. these boys just grab us… And when you get to the tap you find you not the only one and you have to queue and.. time is not standing still.. It’s moving. So it’s not (safe) at all. People get hurt in that whole business.*  
*Interpreter: So sometimes he’ll find out that he has to stay in a queue and that queue takes time, you know… So he saying that when they are coming back from that tap, sometimes they get*
caught by these boys… when he was referencing by these boys. They call them… he means these boys who are robbing them around.

Interviewer: Are they gangs or what?
Interpreter: Yah, gangs. So also he was saying that people are getting injured in that tap so that’s why it’s not good for him. Yah. (Focus Group #4, male, late forties, lives in a shack)

In addition, perceived risks of children getting hurt while fetching water from the communal tap were mentioned by both male and female participants. For instance, when we were discussing as a group the different aspects of using communal taps, two of the women were telling us:

Because our houses are very close to the road, so when a child wants to go and fetch water, the cars want to knock him/her over and that is not right at all. I wish we could have our own taps in our own yards. (Focus Group #3, female, late thirties, lives in a shack)

Water use: Sharing
The notion of sharing of water came up surprisingly often in discussions of using private taps. More specifically, one recurrent theme is the unwillingness to share water from a private tap with others (as seen in the example above). This idea was most often related to notions of payment for services and responsible water use. In response to the question “Would you share water from your tap?” residents with private, in-house connections would often respond:

No, I wouldn’t allow that, I would point them to their tap. (Interview #21, resident of an RDP home in his mid-sixties)

or

No, I wouldn’t because they have their own water at home, and this is my water. (Interview #19, male RDP residents, also in his mid-sixties)

In other instances, in response to the same question “Would you share water from your tap?” community members would admit that they would only share with friends, relatives or someone who is in dire need. For example:

I just help them [people living in shacks] from time to time, like when the water stops then some will come and ask me if they can get some water and I give them some water. That’s what I mean when I say I will help my neighbour. (Interview #25, female resident of RDP home in her mid-forties)
As some participants noted, the notion of a private tap seems a bit at odds with past habits and experiences with water sharing. As one participant stated:

*We are used to sharing, you know, we are used to sharing… if somebody want to use your water, and you know that he doesn't have or she doesn't have water, you let her!* (Focus Group #3, female, late thirties, lives in shacks)

When I asked residents of shacks about how easy it was to go and ask for water when there was a problem with the communal tap (e.g., damaged tap or water cut-off), many shared that they felt uncomfortable about asking. A few women shared with me that they've had conflicts in the past when they had to access water from someone else's back yard. Most commonly, shack dwellers would prefer to approach their relatives for water when possible to avoid having to knock on the door of someone they didn't know. This is an excerpt from the conversation in the focus group with women living in shacks:

[Interviewer: What is it like to use a communal tap? So… for example what you mentioned earlier.. that you have to wait and that you are sharing your water.]

*Sitela: [Xhosa] It's not nice using a communal tap, my child, firstly that tap is in someone else’s yard. So it becomes difficult at night to go and fetch water, at night because that yard is locked, so it would better if we had our own taps…* 

[...]

[Interviewer: So tell me is there anything that you don’t like about using the communal taps?]

*Nome: [Xhosa] I don't like it at all my, child, yhorrr!… I don't like it at all! I wish I could have my own in my own yard… it’s irritating! [everyone laughs]*

*Translator: [Xhosa] What’s wrong, mama, what don’t you like? What’s the problem? Nome: It causes a lot of arguments, and when I want to open the gate (of the shack in whose backyard she fetches water) to go (to) that tap, the other lady (the owner) refuses. She doesn’t want anyone to dismantle her yard…(Focus Group #3, female, late thirties, lives in a shack)*

In addition to the sense of entering into someone’s private property to ask for water, one female participant told me that now she can only ask for very small amounts of water, because there is general sense in the community that payment for water will commence in the near future.

[Interviewer: Okay, is it easy when you…. Is it easy when you ask someone to use their water from inside the house?]
Kristina: [Xhosa] It is not easy, but we still ask because we need them (the water). Maybe we go ask them with a bucket, but you can’t ask for a lot or more than a bucket.

Interpreter: She is saying that it is not easy but hence they do not have a choice so they do go and ask for water. And when they ask for water they are forced to not ask for too much of water. They have to use maybe a 5 litre…

Interviewer: 5 litres?
Interpreter: Ya

Interviewer: Ok. What does she mean it is not easy? Does it make her feel uncomfortable or they don’t give her water? Why does she say it is not easy to ask?
Kristina: [Xhosa] It is them. They say they pay for them [water]. They rent this water so you must come with a small bucket to pour water in for you…. (Interview #20, female, late thirties, lives in a shack)

In this example, using payment for water as an excuse, RDP home-owners are reluctant to provide water and are only willing to spare very small amounts. This can potentially affect negatively shack dwellers as it is limiting their alternatives to access water. This can further affect sense of wellbeing, which becomes even more problematic when compared to those of RDP home-owners. Sharing is sometimes invoked when describing experiences in the past, in the rural areas of the Eastern Cape. It is talked about as the traditional ways of doing things. However, notions of water use in the city seem to contradict the idea of sharing. In the city you are responsible for your in-house water tap, you need to pay for it, it is no longer communal.

Water use: Conservation

The process of upgrading the shacks to houses with private water and sanitation services also involves the installation of water meters to measure each household’s individual consumption. At this point in Site C the meters are not in fact being read and households are not yet billed for the water use. However, the residents of Site C are anticipating payment of services and already have begun adjusting water consumption accordingly. This theme – payment for water – appeared consistently throughout the interviews and focus groups with respect to sharing of water and amount of water used. As discussed in the preceding section, residents of RDP houses with private connections expressed strong unwillingness to share their water when they start paying for it. As well, the uncertainly about when the municipality will start charging them already affects current water use and consumption. Most residents are not aware of the free basic water allocation and assume that they will be paying for all the water that they use. “Wasting water means wasting money” is a common theme. The water meter gives you the ability “monitor how much water you are using.”
Interviewer: If you are paying for water, would you use water any differently?
Xholani: We would use it [water] in a different way … because no one would come and use my water as they please from my meter box, you would have to use it in a way I approve of. Because I’m the only one paying for this water. That would be a difference in water use (Focus Group #4, male, lives in shack)

Interviewer: But when you are having a tap inside your home, are they are going to install a meter box in your house?
Mzu: Yes and that is a different story now because you can understand and control… how you use your water (Interview #10, male resident of a shack in his mid-forties)

In discussions about what controlling water use entails, many participants listed a number of strategies to reduce their consumption as much as possible by washing with half a tub, waiting for big laundry cycles to use water, making sure children don’t play with water, etc. Using water beyond basic needs (washing a car for example) is widely considered among the participants to be wasteful. For example:

Interviewer: So when you are doing your laundry, do you use more water?
Mzu: Yes I use more but I can’t estimate how many litters
Interviewer: No… it’s fine… I just wanted to know on average how much water you think you use.
Mzu: What I can say is that I think people need to learn more about how to use water…
Interviewer: What do you mean?
Mzu: I can see some of the people when they are doing washing they use a lot of water unnecessarily and you will find water all over the place. (Interview #10, male resident of a shack in his mid-forties)

8. DISCUSSION
The relative marginalization of shack dwellers
Despite the relatively high number of households in Cape Town with access to water within 200 meters from home (96.6%), and thus complying with the Free Basic Water policy and WHO/UNESCO Joint Monitoring program’s guidelines for drinking water access, a closer look at the actual material conditions through which water is accessed reveals degrees of difference in how water services are experienced. More importantly, it reveals processes of relative deprivation of shack dwellers who experience safety concerns when using communal taps and exclusion from private water access – notably a more desirable form of access because it is seen as more hygienic and appropriate. This contributes to relative marginalization of shack dwellers who admit to waiting many years to receive houses and improved services. They tend to talk about communal taps and toilets as unacceptable for
their community, exacerbating tensions between formalized and informal residents around water services.

The marginalization of shack dwellers is not necessarily a new process and parallels can be found in Ballard’s (2004) work on the ways in which squatters are represented by white urban dwellers in post-apartheid South Africa. This work discusses the feelings and sensibilities attached to using communal taps by unpacking narratives around public and private spaces and ideas around the appropriateness of activities, such as washing and bathing in public spaces (Ballard, 2004). Informal dwellers are often pathologized as backward, undignified and unhygienic, described as using communal taps to bathe and thus baring their bodies to passersby - an image that is problematic because it conflicts with more “modern” and “progressive” understanding of public and private spaces (ibid). Interestingly, similar sensibilities around the use of communal taps were apparent in my interviews as well, further highlighting the prevalence of negative perceptions around communal water use in the urban context.

Even though dignity per se was not explicitly brought up by community residents, it is reasonable to think that the negative perceptions and notions of modernity attached to communal taps can contribute to a diminished sense of dignity. Of course, notions of dignity are certainly not universal as they are socially and culturally constructed and place-based. Nonetheless, as dignity has been recognized in scholarship and activism around human rights as an important aspect of a person’s wellbeing and sense of empowerment, sense of dignity in everyday experiences with water access becomes a key aspect of a meaningful realization of the human right to water. As others have argued, the universal recognition of the dignity of every person holds the potential for emancipation and equality (Parmar, 2008). However, mere recognition of dignity is meaningless if it is not actually experienced in people’s daily lives. Similar arguments have been made in research on daily experiences with rights in the favelas of Rio de Janeiro, suggesting that lack of dignity can affect sense of inclusion and therefore can have a significant impact on citizenship (Wheeler, 2005).

In addition, as it has been suggested elsewhere, the deprivation of intangible goods such as dignity, aspirations, understanding and empowerment undermines multiple aspects of well-being (Goldin, 2013; Nleya & Thompson, 2009; Thompson & Nleya, 2008) and thus inhibits a full enjoyment of life, as well as the realization of aspirations for development and capabilities as part of the human experience. In terms of the implementation of the HRW specifically, many have agreed that meaningful realization of this right requires inclusion and participation in how it is articulated and implemented (Cristy Clark, 2012; Dugard, 2013; Linton, 2012; Nleya, 2011; Sultana & Loftus, 2012) and that meaningful participation in water management is influenced by personal sense of self-worth and aspiration (Goldin, 2013), both of which can also be linked to dignity. Dignity, therefore, is important not only for
the full enjoyment of life but is also critical in empowering people to participate in truly inclusive water governance processes. This study supports these claims but also highlights the linkages between forms of access to services and personal sense of dignity – something that is relatively considered in planning to basic service provision for the marginalized\(^8\).

Safety concerns in accessing water is another important factor that affects the enjoyment of life and sense of empowerment. Parallels can be found in work on informal settlements (favelas) in Brazil that demonstrates that high levels of violence in poor neighbourhoods can dramatically order the daily lives of residents of those communities (Wheeler, 2005). With respect to Site C, using communal taps carries risk of harassment and assault, which is especially problematic in Khayelitsha as a whole, as crime levels, including rape, are considerably high (Nleya & Thompson, 2009; Thompson & Nleya, 2008). Therefore, shack dwellers, and especially women, who need to plan their visits to the communal taps during the day to avoid the evening hours where the risk of crime is higher, are disproportionately exposed to risk. In addition, uncertainties around the health risks associated with dirty communal taps can also contribute to increased stress and emotional discomfort about using them. Residents of formalized RDP homes in Site C, however, are not exposed to the same kinds of risks when accessing water from their own taps, which further exacerbates the relative marginalization of shack dwellers\(^9\).

Lastly, the housing formalization process and the related shift from communal to private taps further affect the relative marginalization of shack dwellers vis-à-vis homeowners. As demonstrated in the results section above, homeowners are increasingly unwilling to share water with shack dwellers, often because of financial concerns due to expectations for payment for water consumption in the near future. Similar observations have been made by Tapela (2012), who documents the disparities in water services in Site C and also the reluctance of homeowners to share water with shack dwellers. According to her work, there is a rift between RDP home owners and neighbourhood informal dwellers whereby the former are no longer willing to tolerate shared informal access or illegal connections to infrastructure on their property (Tapela, 2012, p. 4).

Prior to the formalization of property rights, residents of informal areas such as Site C shared communal access to water, sanitation and electricity services mostly for free. With the selective (and ongoing) formalization process, however, residents who became property owners and received subsidies for formal houses with private services raised their expectations of further improvements of

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\(^8\) Work on perceptions and acceptability of sanitation services is also particularly insightful here. See (Morales, 2012)

\(^9\) Of course, this is not to say that RDP home dwellers do not face other types of stresses, such as uncertainty about future payments for water consumption, other types of crime, etc.
quality of life and access to services (Tapela, 2012). According to the report, homeowners assume that these improvements will depend on their continued compliance with government rules, such as avoidance of illegal connections and payment for services”. As a consequence, one adaptive strategy of the new homeowners is to exclude shack dwellers from illegally connecting to and using services on their properties. This work concludes that shack dwellers are aggrieved by perceptions of relative deprivation and marginalization (Tapela, 2012).

The experience of relative deprivation is high in areas like Site C, where shack dwellers live in close proximity with RDP homeowners, as the process of formalization, albeit slower than the influx of informal residents, is ongoing and everyday more households gain access to private in-house services. Lastly, work on service delivery and protests in Khayelitsha also suggests that there is a strong relationship between type of housing and service delivery perceptions as well as perception of conditions of life (Nleya, 2011; Williams, 2003). In other words, using private services in formalized housing is notably associated with more positive perceptions of living conditions. In sum, the realization of the human right to water for residents of Site C and Khayelitsha as a whole is carried through the formalization process that in fact creates new inequalities among township residents along lines of formalization. In essence, the formalization process is introducing inequality among residents in a community of the same ethnic group, language and history of migrations and settlements in Cape Town.

**Policy implications: Water conservation a burden on the poor**

To help put things into perspective, a few aspects of the policies in place that aim to actualize the human right to water in South Africa are of note. As others have argued, the way water services are realized for the poor and marginalized communities in Cape Town, and South Africa in general, effectively limits their water consumption to the free basic allocation (Patrick & Dugard, 2008; Ruiters, 2005). For instance, Ruiters and Bond (2005) argue that the logic of the Free Basic Water policy that provides the first 6 kilolitres of water for free and then implements a steep tariff structure de facto penalizes consumption of water beyond the free limit – a situation that is exceptionally critical for the urban poor who often cannot afford payment for services. Others have criticized the governability logic of the Free Basic Water policy and its coercive measures (high taxation beyond the basic amount, disconnections, etc.) as actively lowered living standards and consumption levels in black townships (Ruiters, 2005). Indeed, as mentioned earlier in this paper, more recently the City of Cape Town has introduced subsides for indigent to assist with payments above the free basic minimum and this recognized the insufficiency of this limit for basic needs. Even so, a number of issues with the indigent policies and the lack of awareness about this subsidy effectively limit its impact. As this study further demonstrates, currently in Site C the water meters, even if not currently in use, are already
‘conditioning’ residents to start reducing their water consumptions and restrict sharing water with other users. In other words, the policy in place that guarantees universal right to water is essentially limited to basic needs only which poses disproportionate burden on most impoverished communities.

The formulation of the right to water as an “entitlement to fulfilment of a basic need” has been deeply criticized for limiting the potential of the right in other significant ways (Parmar, 2008). The right to water, when implemented through policies such as the Free Basic Water, applies to quantities of water ranging from 20 to 50 litres per person per day, depending on the needs and the context. Yet this amount is arguably sufficient for the full enjoyment of dignified life. Implemented in such a way, Parmar argues, the right to water reflects “yet again a marginalization of lived experiences” (p. 87). This marginalization becomes evident when we focus on the material expressions of the daily experiences of water services of the urban poor, who are forced to regulate their water consumption by adopting tough conservation efforts, by reprimanding children and community members for being wasteful, and by choosing to not share water with shack dwellers. This unwillingness to share water also possibly reflects a shift away from customary communal uses of water towards more individualized and private ways of using water – a shift that has been signalled in prominent critiques of the HRW (see Bakker, 2012a). Within Site C, where formalization happens relatively slow and the influx of informal residents outpaces the rate of formalization, a focus on the material aspects of water access reveals significant disparities between shack dwellers and homeowners. As residents of townships like Khayelitsha are effectively penalized for water consumption above the free basic amount, the relative marginalization of shack dwellers vis-à-vis RDP home owners is further exacerbated as their access to water is limited to what is perceived as unsafe and unacceptable forms of access.

As the discussion above shows, the lived experiences of residents of Site C with water services are entangled with the housing formalization process and with changing notions of water use, shaped by shifts from informal to formal services, among other factors. Considerations for the material aspects of accessing water services help highlight linkages between water services and the housing formalization process in Site C and the way these linkages enhance the relative marginalization of shack dwellers. A focus on materiality helps bring out degrees of difference and relative deprivation by illuminating the intangible effects that material conditions have on well-being (relative deprivation, safety concerns, exposure to risk of crime, and so on).
9. CONCLUSIONS

The case study investigated in this paper looks at the on the ground implementation of the human right to water by focusing on actual water access through water services in an impoverished urban area in Cape Town – Site C, Khayelitsha. In terms of water access in a strict sense, residents of Site C are mostly able to access basic amounts of water (a minimum of 25 litres per person per day within 200m from home) under the Free Basic Water policy. However, the material conditions of water access and the social and cultural associations they carry accentuate an introduced inequality between shack dwellers and RDP – of formal housing - owners. In the case of Site C, using communal or private taps matters in many ways that go beyond mere access to basic quantities of water. Private in-house taps are associated with higher status, as it is usually residents who have lived longer in the community that are able to receive RDP homes and claim tenure rights. Further, they are associated with ideas of modernity and appropriate or acceptable standard of living in the city, in line with certain expectations for quality of services that are very different from what is considered to be appropriate for rural areas only.

In-house services are also associated with ideas of hygiene and cleanliness; they tend to be seen as more convenient and significantly safer, both in terms of perceived health risks but also safer from crime. In addition, the different forms of water access are also associated with different ideas around water use. For instance, many residents of RDP homes are much less likely to share their water with shack dwellers. Using in-house services also seems to come with a sense of ownership, which we don’t see among users of communal taps. It is therefore meaningful to understand the range of associations that people attach to different forms of water access to better assess the impact of service delivery for wellbeing and marginalization. A focus on the experiences of the material conditions of access to water can shed light on the values and logics attached to different forms of water access. This in turn can help to envision a more just materialization or reconfiguration of the right to water by revealing degrees of difference and relative marginalization as well as the values and logics attached to different forms of water access.

Recognizing access to safe and sufficient water as a human right has indeed marked a milestone in addressing global inequalities in water access. It has been an important development that puts pressure on governments to ensure access to sufficient water for all. This paper argues that despite significant achievements in both international and national policy discourses around water provision, more critical investigation of the processes involved in the policy and practical implementation of the right to water is still needed. A ‘lived experiences’ approach coupled with an explicit focus on the material conditions of water access lends valuable insight into the on the ground realization of a right to water. In this case, this approach helped reveal that the actual implementation of access to water in
Site C introduced inequality among community members (shack dwellers and owners of formalized homes), which can further exacerbate existing social pressures and other types of marginalization. The evidence presented here suggest that experiences of water services vary along the lines of housing, social status but also gender – not the subject of this analysis, but certainly needing further focus. Lastly, a consideration of materiality in the implementation of a right to water can further contribute to more progressive formulation of this right by incorporating the biophysical/hydrological realities of water flows – a highly overlooked theme in dominant Human Right to Water debates.

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