

Water Needs for the Future (By Ved P. Nanda)

Ralph B. Lake
University of Denver

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BOOK REVIEW

WATER NEEDS FOR THE FUTURE. By Ved P. Nanda.*
Westview Press. 1977. pp. 329. \$17.50

*Ralph B. Lake***

Although the importance of water as a natural resource has long been recognized in the arid Western states and in the Middle East, recent disastrous droughts in the African Sahel region, and the United Kingdom have focused worldwide attention on the fact that inadequate supplies of water are a major international problem. Indeed, the specter of a "water crisis" akin to the much discussed energy crisis has been raised, with a warning from the U.S. Secretary of the Interior of possible cutbacks in residential construction and a decline in the quality of drinking water by the late 1980's.¹

Water Needs for the Future, which is a refinement of a series of papers presented at the University of Denver College of Law in late 1976, admirably serves the dual purposes of presenting the scope of the problem, and describing the current legal, economic and technological factors which must be considered to formulate a national and international water policy. The volume contains materials by an impressive array of lawyers (including Professor Nanda of the University of Denver, Professor Trelease of the University of Wyoming and Jerome C. Muys Esq. of Washington, D.C.), political scientists, politicians (Senator Hart and Governor Lamm of Colorado) and scientists. This interdisciplinary approach, although modish, may have the effect of rendering the book difficult to classify, and hence unread. This would be unfortunate, since it is sufficiently wide ranging and thought provoking to serve as a primer for understanding water policy issues.

The uninitiated international lawyer is apt to regard water in its territorial sense rather than as a natural resource. The first chapter in the Legal section of the book is by Professor Nanda himself,² and

*Professor, University of Denver College of Law. M.A., Punjab University, India; LL.B., LL.M., Delhi University, India; LL.M., Northwestern University.

**International attorney, Western Electric Corporation. B.A., Wake Forest University, 1945; J.D., University of Denver, 1974. Member, Ohio Bar Association.

1. Wall Street Journal, June 8, 1978, at 34, col. 3.

2. Professor Nanda has a talent for identifying nascent problems of major international concern and comprehensively presenting the possible contribution international law may make to their solution. See, e.g., Nanda, *Selected Legal Issues in the World Population/Food Equation*, 7 DENVER, J. INT'L L. & POLICY 77 (1977); Nanda, *The Establishment of International Standards for Transitional Environmental Injury*,

thoroughly describes the extent to which international law and institutions have dealt with water resources to date. The impression is given that while there is a realization in the United Nations and in other international institutions that water needs should be considered in an international context, what has occurred so far (aside from some encouraging treaties dealing with international rivers) is mainly the usual United Nations loquacity. Some of the subsequent chapters in the Legal Section include a very interesting comparison of the various global water law systems,³ a cogent argument for the prior appropriation system used in the Western United States,⁴ a description of the role of federal-interstate compacts in the allocation and management of water,⁵ and a description of the labyrinthine U.S. water legal and regulatory system.⁶

The legal aspects of water resources are, of course, only a part of the picture, and the Political and Economic, and Technological sections of *Water Needs for the Future* examine these other aspects, primarily from the perspectives of the United States and the State of Colorado. These chapters include a psycho/sociological approach to resource management,⁷ an economic/technological one,⁸ and a fascinating description of how the well-intentioned use of "inappropriate technology" worsened instead of improved the economy of one ecosystem.⁹

Since the U.S. and international water resource management structures are fragmented in the former case, and infant in the latter, this book leaves the reader with the impression that inadequate water resources, together with the lack of a cohesive water regime, constitute a problem of global dimensions, and one that both municipal and international lawyers will have to concern themselves with in the future.

60 IOWA L. REV. 1089 (1975); Nanda, *The Role of International Law and Institutions Toward Developing a Global Plan of Action on Population*, 3 DENVER J. INT'L L. & POLICY 1 (1973).

3. Radosevich, *Global Water Law Systems and Water Control*, in WATER NEEDS FOR THE FUTURE 39 (V. Nanda ed. 1977) [hereinafter cited as Nanda].

4. Trelease, *Alternatives to Appropriation Law*, in Nanda, *supra* note 3, at 59.

5. Muys, *Allocation and Management of Interstate Water Resources: The Emergence of the Federal-Interstate Compact*, in Nanda, *supra* note 3, at 84.

6. White, *Legal Restraints and Responses to the Allocation and Distribution of Water*, in Nanda, *supra* note 3, at 117. "Today's water law is like an incredibly complicated machine that is held together and added to by odd assortments of baling wire." *Id.* at 13.

7. Freeman, *A Social Well-Being Framework for Assessing Resource Management Alternatives*, in Nanda, *supra* note 3, at 153.

8. Milliken, *Alternative Strategies for Closing the Supply/Demand Gap*, in Nanda, *supra* note 3, at 257.

9. Glantz, *Water and Inappropriate Technology: Deep Wells in the Sahel*, in Nanda, *supra* note 3, at 305.

Water Needs for the Future can be highly recommended to a wide audience. It is submitted that if international law is to be more than a "style of argument in international relations,"¹⁰ it must evidence some ability to provide more than a stylistic contribution to "new" international areas of concern such as those presented in this book. Professor Nanda et. al. are to be commended for a significant contribution.

10. Falk, *The Adequacy of Contemporary Theories of International Law—Gaps in Legal Thinking*, 50 VA. L. REV. 231, 242 (1964).