

May 2020

Water Resources Development for Asia

George W. Pring

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

George W. Pring, Water Resources Development for Asia, 17 Denv. J. Int'l L. & Pol'y 235 (1988)(book review).

This Book Review is brought to you for free and open access by Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

BOOK REVIEWS

Water Resources Policy for Asia

*Reviewed by George W. Pring**

ALI, Mohammed, RADOSEVICH, George E., and KHAN, Akbar Ali (eds.), *WATER RESOURCES POLICY FOR ASIA*, A. A. Balkema Publishers, Accord, Mass. (1987); \$62.50 ISBN 90 6191 684 4, 628 pp.

"All your better deeds shall be in water writ. . ."¹

Deeds, truly progressive accomplishments, in international water resources development indeed frequently seem "in water writ," so great are the twin gaps between the problems to be solved and effective solutions and between the latter and implementation. This volume presents a fascinating look through the eyes of some forty distinguished U.S. and international water experts, at the undercurrents in and the gulfs between what it aptly terms "The 3 P's of water management: problems, policy, and practices."²

Water, as the sage put it, touches everything. Nowhere is that homily more apparent than in the international context. Here, water is a virtual metaphor, a window on a surprising range of the great international issues: the tangled development aspirations of the Third World, the appropriate role of the industrial nations in that development, the interrelationships of population, health, and famine, the constraints of global economics, the difficulties of cooperative management of transboundary resources, considerations of the human and environmental impacts of development (and nondevelopment), the efficacy of agriculture-based economies, of central-planned systems, of socialized vs. capitalist development strategies, and on.

This book focuses on South and East Asian countries ³ and is of obvi-

* George W. Pring is a Professor of Law at the University of Denver College of Law, where he teaches Water Law and other Environmental, Natural Resource, and International Law courses. B.A., Harvard College; J.D., University of Michigan.

1. F. BEAUMONT & J. FLETCHER, *PHILASTER*, act V, sc. 3.

2. *WATER RESOURCES POLICY FOR ASIA* 6 (M. Ali ed. 1987).

3. The book is the printed proceedings of the Regional Symposium on Water Resources Policy in Agro-Socio-Economic Development, held in Dhaka, Bangladesh, August 4-8, 1985. Sponsored by the U.S. Agency for International Development and the Government of Ban-

ous interest to specialists in those areas. Moreover, given the generic nature of the problem it surveys, any readers interested in water law, international law, comparative law, or Third World futures will find rewards here.

The book begins with the usual prefaces by its three editors, Mohammed Ali and Akbar Ali Khan, senior water officials for the Government of Bangladesh, and George E. Radosevich, a distinguished water law expert, government consultant, author, and professor at Colorado State University. In the book's introduction, Professor Radosevich gamely attempts the editor's hardest task: to give *post facto* cohesion to 35 separate conference papers. That he succeeds as well as he does arranging them into three macro chapters on each of the "3 P's", problems, policies, and practices - is a credit to his skill and enhances their effectiveness.

Part I ("Problems - Problem Setting") begins, as it should, with an overview article attempting to set forth the "Regional Considerations." Given the staggering diversity of the "region" from Pakistan east to Indonesia, from water surplus states (Bhutan, Malaysia) to arid (Maldives, Pakistan), from monarchy (Bhutan) to democratic (Philippines) to socialist (China) politico-economies - it is perhaps not surprising this overview lacks depth and presents nothing new. It is followed by 10 country reports⁴ and four articles on conference-host Bangladesh, authors by government water officials from those nations. The 14 are uneven in quality and sophistication, ranging from a few superficial pages to quite impressive treatments of climatic, economic, social, and governmental conditions (Pakistan, Nepal, and the Bangladesh chapters being especially good).

Titled somewhat more ambitiously than it can produce, Part II ("Policies - Substantive alternatives in Water Policy and Law") focuses us on general water policy/law principles, first in national legal systems, then traditional. The "national" section consists of an overview article by Professor Radosevich on "National water goals, policies and laws," then three articles by U.S. experts on surface water, groundwater, and water quality, respectively, each paired with a Bangladesh author's view of that issue domestically

Professor Radosevich's article constructs a model of the "good" national water resource regime, seeing the fundamental need as "a dynamic implementation process," based on goal-setting, translated into strong policies, linked to sound strategies, carried out through effective implementation programs. His discussion of the model and the reasons countries fail to meet it (including, the uncharitable might add, the U.S.) is an illuminating look at the often-forgotten or ignored, basic concepts of

gladesh, with support from the International School for Agricultural and Resource Development at Colorado State University, the conference drew some 150 attendees from 19 countries and international and domestic agencies.

4. Bhutan, China, India (no paper ultimately received!), Indonesia, Malaysia, Maldives, Nepal, Pakistan, Philippines, and Thailand.

water allocation systems.

The next six articles should also be required reading for any serious student of water law. Professor Sanford Clark (Melbourne), Albert Utton (New Mexico), and Ralph Johnson (Washington), present incisive analysis of national and transboundary water, groundwater, and water quality management, respectively. Each is followed by superbly detailed, and surprisingly critical, accounts of how that management scheme is (or is not) working domestically in Bangladesh. The editor's themes of policy-implementation discontinuity, need for transnational planning, and interconnectedness of socio-economic environmental constraints are well-illustrated here.

The subsection on "Transnational Legal Systems" is disappointing. Here, we find two rather elementary articles on the role of customary law and the work of the International Law Commission in developing "international water law." Neither has, we find. In lieu of what would really have added to our knowledge of transboundary water issues - case studies of Third World-relevant efforts - we are given a rerun of the (scarcely model) U.S.-Mexico experience on the Colorado river and an almost insultingly short and bureaucratic piece on the World Bank, neither telling us what the significance it really has for Asia.

Part III ("Practices - Planning and Implementation Processes") gets back to what this book does best: impressive generic-issue pieces followed by detailed country-specific experiences. Sociologist Evan Vlachos' (Colorado State) lead article introduces that for which the humanist in us has been waiting: the social considerations in water development. While the environmentalist would strongly disagree with his anthropomorphic overstatement -

the natural environment has meaning and utility only in the context of a social setting in which humans (and their culture) interact with nature⁵

- his hyperbole reminds us that we are, after all, engaged in a human enterprise for a human benefit. Professor Vlachos' effort to "reconstruct existing rules concerning water management"⁶ is much more than the usual call for "improved institutional arrangements." But, as carefully constructed and persuasive as his ideal system is, it still leaves the reader wondering *how* true human values and societal/cultural concerns can be ascertained, *how* human needs can be balanced with environmental values in the sensitive context of the developing countries, and, ultimately, *how* any ideal system can move off the printed page and into political reality.

The country-specific articles following, regretfully, do not address these concrete human and environmental challenges. They do, however,

5. *Supra* note 2, at 433.

6. *Id.* at 455.

give us detailed insights on implementation in Bangladesh, the Philippines, and the Mekong, Indus, and Gangetic Basins. Editor Akbar Ali Khan's discussion of economic considerations in Bangladesh water policy is particularly critical and detailed. The article on technical considerations by the distinguished agricultural engineer, Professor Gaylord Skogerboe, is a short send up not equal to his best work.

This book belongs in every serious international or natural resources library. It is not without its disappointments, as is any grand undertaking. The typewriter script is visually unpleasant, the frequent typos annoying, the quality of the articles uneven, the subjects incomplete (as at any conference), and the editors could have yielded sterner blue pencils. Nor is the book charting completely unexplored waters; a number of good treatments of international water development exist.⁷

But this volume has earned its place among them. We still have no answers to the perplexing problems of the proper role of environmental considerations in developing countries, of the extent to which water development is the "tail or the dog" of economic betterment, of the means for integrating surface and groundwater management and managing transboundary water quality/quantity collectively and responsibly. Perhaps that is the agenda for another conference.

In the meantime, our knowledge, our sensitivity, and our vision are enhanced by this admirable collection on Asian water development. As in a deep reach of a great river, we see captured in it a reflection of ourselves.

7. To mention but a few: WATER NEEDS FOR THE FUTURE: POLITICAL, ECONOMIC, LEGAL, AND TECHNOLOGICAL ISSUES IN A NATIONAL AND INTERNATIONAL FRAMEWORK (V. Nanda ed. 1977); WATERSHED RESOURCES MANAGEMENT: AN INTEGRATED FRAMEWORK WITH STUDIES FROM ASIA AND THE PACIFIC (K. Easter ed. 1986); WATER MANAGEMENT AND ENVIRONMENTAL PROTECTION IN ASIA AND THE PACIFIC (I. Kato ed. 1983); *Economic and Social Commission for Asia and the Pacific, Proceedings of the Tenth Session of the Committee on Natural Resources* (1985); D. Camponera, *Patterns of Cooperation in International Water Law: Principles and Institutions*, 25 NAT. RESOURCES J. 563 (1985).