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Julie Yeagle

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BOOK REVIEW

REGULATORY FRAMEWORKS FOR WATER RESOURCES MANAGEMENT: A COMPARATIVE STUDY

by Salman M.A. Salman & David D. Bradlow
The World Bank, 2006

Reviewed by Julie Yeagle*

Given the increasing scarcity of water resources, compounded by environmental degradation, urbanization, and industrialization, the need to rethink water resources management has been pushed to the top of national and global agendas. Cognizant of this trend, Salman M. A. Salman and Daniel D. Bradlow recently released a book entitled *Regulatory Frameworks for Water Resources Management: A Comparative Study* that aims to provide a toolkit for countries that are preparing water legislation or revising existing legislation. To accomplish this goal, the authors present a description of the regulatory frameworks of sixteen countries and examine how each addresses the use, development, management, allocation, and protection of water resources. Drawing from these regional practices, as well as from declarations and resolutions of international conferences, the authors provide policymakers and experts with a list of elements the authors consider essential to the creation of effective regulatory frameworks.

Salman and Bradlow begin by observing that as water has become an increasingly scarce resource, many states have started to adopt legislation to address a variety of issues facing the water sector. Based on a state's legislative response, the authors place it into one of three categories: (1) countries that have adopted comprehensive water statutes; (2) countries that are struggling to agree on a comprehensive statute; and (3) countries that have addressed water issues in provisions that are scattered throughout different laws and regulations. Despite their

supreme position in the hierarchy, the authors note that even countries in the first category have a tendency to give insufficient attention to major water resources issues like ownership, protection, and accessibility.

Salman and Bradlow note many reasons for this failure. First, existing legislation is often complex and permits an undesirable fragmentation of responsibilities between different enti-

ties within the government. Second, water legislation tends to lag behind modern management practices. Additionally, the authors consider legislation adopted not flexible enough to accommodate future changes in priorities and perspectives. In order to cure these problems, the authors offer a roadmap for experts and policymakers to follow when creating or revising water legislation. The authors suggest that the first step in the legislative process be a review of existing rules and regulations to ascertain areas of weaknesses and strengths. Next, they recom-

mend the creation of a paper outlining the main policies, principles, and procedures to be included in the draft law. As conceived by Salman and Bradlow, this paper and the resulting legislation should address a number of basic principles, such as ownership of water resources, underlying principles and priorities, regulation of water uses and water infrastructure, protec-

Rather than follow a specified model form or blueprint, the authors provide an exhaustive list of issues for experts and policymakers to consider.

*Julie Yeagle is JD candidate, May 2008, at American University, Washington College of Law.

tion of water resources, institutional and financial arrangements, enforcement of regulations, and dispute settlement.

Salman and Bradlow expound upon these basic principals in their book. For example, the authors advocate that when legislators consider the principle of water ownership, they weigh the benefits of state ownership of surface and groundwater versus the benefits of awarding rights based on the historical doctrines of riparian rights and prior appropriation. Under the same basic principle, they urge legislators to devise a clear licensing scheme that would allow individuals or entities to establish water systems or to dig wells. Correspondingly, the authors stress the need for governments to devise rules for the transfer, suspension, and revocation of licenses. Finally, Salman and Bradlow remind legislators to discuss how they might verify and regularize water uses that existed before the legislation was revised or created.

In regards to the basic principle of institutional arrangements, the authors encourage legislators to specify which entity has the explicit responsibility of regulating and managing water to avoid duplication and overlapping of responsibilities. They also devote a significant amount of text to the notion that institu-

tional arrangements should reflect decentralization of decision making and public participation. Salman and Bradlow suggest two ways to accomplish this goal: (1) to appoint river basin authorities to play a role in the management of water, and (2) to provide for water user associations to represent the interests of users.

Though Salman and Bradlow emphasize that regulatory frameworks need to take into account the socioeconomic and cultural setting of each state, rather than follow a specified model form or blueprint, the authors provide such an exhaustive list of issues for experts and policymakers to consider. It is not inconceivable that a government could successfully draw up a legislative template using the book's many concepts. For this reason, *Regulatory Frameworks for Water Resources Management: A Comparative Study* is an excellent resource for readers who wish to understand the relevance and importance of water legislation to the proper management and protection of water resources.

