



Natural Resources Journal

14 Nat Resources J. 2 (Spring 1974)

Spring 1974

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Recommended Citation

Albert W. Stone, *Abstraction and Use of Water: A Comparison of Legal Regimes*, by Ludwik A. Teclaff, 14 NAT. RESOURCES J. 303 (1974).
Available at: <https://digitalrepository.unm.edu/nrj/vol14/iss2/14>

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Abstraction and Use of Water: A Comparison of Legal Regimes

By LUDWIK A. TECLAFF
New York: United Nations Publication
Pp. 154, \$5.50, 1972

This study in comparative water law describes how the law and administration of fifty or so countries deal with various aspects of water rights acquisition and use. It does this by dividing water law into ten major headings, and dividing those major headings into several subdivisions. With respect to each subdivision there is a discussion of the characteristics of the law or administration of different countries or states which bear upon that subdivision.

This approach makes an impression of fragmentation, with series of paragraphs discussing fragments of the water law of a country or of several countries, but there is a good deal of utility in organizing the subject in this way. With respect to any aspect of water law which is covered, the treatment of it by various countries will be found in one place, generally in several successive paragraphs. In contrast, the book could have been organized on a strictly country by country scheme, which would have completely lost the comparative law flavor and purpose of the study.

In the various subdivisions, only a selection of countries is discussed, typically from a half dozen to a dozen, which is sufficient to illustrate the different approaches to the subject matter without becoming tedious or cumbersome. Then too, not every country has a contribution to make with respect to each subdivision—one wouldn't discuss the law of New York in connection with prior appropriation, nor the law of Colorado in connection with riparian rights.

The study does not cover all of its material in depth. Pertinent statutes are nearly always cited, but the text and notes are sparse with respect to case law or administrative rulings. It makes frequent use of and citation to secondary sources, which the reader may follow up on if he wants more depth and detail with respect to a particular subject matter and its treatment in a particular country.

This book is not a work that is readily usable for the purpose of discovering the general water law and administration of any particular country, because that country will be spread out, here and there, throughout the work. The index is just as topic minded as the text, for the cross references are incomplete: if one looks up a country, he will not find all of the citations to the pages where that

country is mentioned or discussed—the index must be used by subject matter rather than by country or state.

It is a work which should be quite useful as a reference work for students of comparative water law and for persons working on changes in their own country's water law or working on new water law structures for developing countries. For the student it will provide a wealth of citations to statutes, administrative rulings, and secondary sources for different countries. For the person working on changes or new water law it provides ideas by describing different approaches and practices.

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