
Volume 18 | Issue 1

1986

Introductory Remarks

Donna W. Wise

Follow this and additional works at: <https://scholarlycommons.law.case.edu/jil>



Part of the [International Law Commons](#)

Recommended Citation

Donna W. Wise, *Introductory Remarks*, 18 Case W. Res. J. Int'l L. 7 (1986)

Available at: <https://scholarlycommons.law.case.edu/jil/vol18/iss1/2>

This Foreword is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Journal of International Law by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

Introductory Remarks

by Donna W. Wise*

Great Lakes water quantity issues — and in particular, diversion and consumptive use — have assumed a prominent position on the region's policy agenda in recent years. One might say that the region has "rediscovered" its greatest natural resource; one it has long enjoyed and depended upon, yet never fully appreciated. While the events culminating in this rediscovery are numerous, they can be traced to two principal developments. One is unfolding within the Great Lakes Basin jurisdictions; the other is far removed from, yet has profound implications for the Basin and the future of its water resources.

Within the Basin jurisdictions, a prolonged economic recession prompted the Great Lakes governors and premiers to take an accounting of the region's economic attributes in order to incorporate them effectively into revitalization strategies. The Great Lakes themselves emerged as a key to economic recovery and stability, prompting officials to examine measures to protect the resource from threats of depletion and degradation. Concern over the adverse impacts of out-of-basin diversion and projected increases in consumptive use within the Basin assumed an economic as well as environmental dimension.

Outside the Basin, the continuing depletion of the Ogallala aquifer and intensifying water shortages in southern and southwestern regions of the United States has prompted covetous eyes to be cast upon the Great Lakes. Interest in massive diversion schemes has been rekindled in some sectors. This interest has been fueled by recent United States Supreme Court (*Sporhase v. Nebraska*) and lower federal court (*El Paso v. Reynolds*) decisions which ruled unconstitutional portions of state statutes prohibiting or otherwise limiting interstate water transfers.

These developments resulted in the signing of the Great Lakes Charter by the region's governors and premiers in early 1985. The Charter is a historic agreement to work toward a comprehensive strategy for the cooperative protection and management of the Basin's water resources. A flurry of legislative and policy activity directed at implementing provisions of the Charter continues today in all Great Lakes jurisdictions.

The Center for the Great Lakes recognizes that the success of the Charter and related efforts will depend upon 1) a firm understanding of

* President, The Center for the Great Lakes.

the current legal and regulatory framework for Great Lakes water management; and 2) an assessment of present and potentially available legal options to ensure protection of the resource from harmful, large-scale diversion and consumptive use proposals. The Center's legal research and subsequent "Great Lakes Legal Seminar: Diversion and Consumptive Use," is a response to this critical information need. The legal analyses prepared by The Center's team of United States and Canadian water law experts are presented within. The focus is on the present legal framework for Great Lakes water quantity management; an assessment of its adequacy in addressing the diversion and consumptive use issue; and the examination of legal options which might be used to strengthen the legal framework. A companion document presenting a summary of conference discussions and The Center's recommendations is available from its Chicago and Toronto offices.

The Center's sponsorship of the legal research and seminar reflects its goal to promote sound public policy decisions on critical regional environmental, resource management and economic development issues. An independent, binational, non-profit organization, The Center believes that a healthy environment and a strong economy together provide the basis for a promising future for the Great Lakes region. Providing a perspective that both recognizes the integrity of the Great Lakes Basin as a single system and demonstrates the interdependence of natural resources and economic issues within that system, The Center identifies those critical natural resources and economic issues ; conducts objective, concise analyses to bring about informed action by decisionmakers; fosters regional cooperation among public and private groups; and promotes public understanding and awareness of opportunities for action. The Center believes that progress toward a legally defensible, comprehensive Great Lakes water management strategy is critical to achieving this "promising future."

The Center presents the legal analyses contained within as a ready-reference guide for legal scholars and policy officials working toward a firm understanding and strengthening of the present legal framework for Great Lakes water management. Only through such efforts can the integrity of the Great Lakes resource be safeguarded for use by future generations.