

<b>Institution:</b> University of Northumbria at Newcastle		
<b>Unit of Assessment:</b> 18 (Law)		
<b>Title of case study:</b> Enhancing reporting under the Sustainable Development Goals and the Water Convention to progress transboundary water cooperation		
<b>Period when the underpinning research was undertaken:</b> 2016 - 2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Alistair Rieu-Clarke	Professor	09/01/2016 - present
<b>Period when the claimed impact occurred:</b> May 2017 - December 2020		
<b>Is this case study continued from a case study submitted in 2014? N</b>		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>By 2050, water shortages could affect five billion people worldwide. 153 countries share rivers, lakes, and aquifers that cross sovereign borders. While cooperative sharing arrangements are needed to help countries address transboundary water challenges, research by Professor Alistair Rieu-Clarke at Northumbria University identified ambiguities in legal terminology and concepts used in these arrangements. This research was utilised by the United Nations (UN) to strengthen a newly-established reporting mechanism created to monitor Transboundary Water Cooperation (TWC). The mechanism was designed to serve two groups - the 40 countries party to a global water convention and the 153 countries invited to report on TWC for the UN Sustainable Development Goals (SDGs). Improvements to the mechanism, which draw upon Rieu-Clarke's research, included revising the reporting template, developing an official guide to reporting, and clarifying the advice given by the UN to country representatives on their reporting requirements. Rieu-Clarke's analysis of the national reports was also included in several UN policy reports that identified areas where TWC needed to be strengthened and offered recommendations for accelerated progress. The findings contained in these reports were incorporated into three inter-governmental decisions wherein States committed to improving the reporting process and strengthening their efforts on TWC. The research therefore underpins more robust monitoring, stronger policy, and improved political commitment to TWC.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>Research conducted by Rieu-Clarke examined the content, implementation, and impact of treaties covering Transboundary Water Cooperation (TWC) in highly contested environments. This work was originally focused on the Mekong Basin and part of the Nile Basin between Ethiopia, Egypt, and Sudan, and it revealed ambiguities in legal terminology and concepts contained within the arrangements between countries [R1, R2]. Ambiguities included fundamental disagreements over which documents are legally binding as well as contested definitions. If left unaddressed, such ambiguities threatened to undermine the newly-introduced reporting mechanism to monitor transboundary water cooperation enshrined in the UN's Sustainable Development Goal (SDG) Indicator 6.5.2; this indicator measures the proportion of a transboundary basin (river, lake, or aquifer) covered by an 'operational arrangement.'</p> <p>Rieu-Clarke's comparative analysis of legal instruments relating to the Nile River [R1] revealed that there are differing interpretations as to what constitutes a cooperative 'arrangement'. Rieu-Clarke analysed this issue in relation to three contentious instruments concerning the Nile, namely the Nile Cooperative Framework Agreement, the Nile Basin <i>Initiative</i>, and the <i>Declaration of Principles</i> relating to the Grand Ethiopian Renaissance Dam. Through this analysis Rieu-Clarke was able to offer fresh legal interpretations of these instruments for cooperation. In similar fashion, through a contextual analysis of the Mekong River, Rieu-Clarke's research [R2] offered a novel comparative study of global legal instruments relating to</p>		

transboundary waters and the 1995 Mekong Agreement. As with the Nile, this analysis revealed generic challenges amongst States sharing a particular river when reaching a common understanding on terminology. Rieu-Clarke's research therefore substantiated the need for greater legal clarity and contextual understanding when seeking to monitor and measure TWC and pointed to ways in which that clarity could be achieved.

While Rieu-Clarke's aforementioned research influenced the quality of the initial roll-out of the UN's TWC reporting mechanism, subsequent analysis conducted in 2018-19 was informed by direct involvement in the reporting exercise. In this later research, Rieu-Clarke critically reviewed the initial reporting exercise and offered suggestions for its improvement [R3, R4].

A weakness of the initial reporting exercise was the lack of integration between the UN's reporting mechanism for transboundary waters (SDG 6.5.2), and a broader mechanism for monitoring the implementation of Integrated Water Resources Management (IWRM) (SDG 6.5.1). By drawing upon the insights of those directly involved in the exercise, research conducted in 2017 [R3] offered a first-of-its-kind analysis into the initial reporting exercise for IWRM (SDG 6.5.1). Rieu-Clarke's specific contribution to this research was to demonstrate the need for better linkages between the two reporting mechanisms (IWRM and TWC), and to identify pragmatic ways by which that coordination could be achieved [R3].

Further research conducted while working directly with the UN in 2018 [R4] reviewed scholarship related to SDG indicators in general and the mechanism for TWC in particular. The purpose of this research was to critically evaluate the strengths and weaknesses of the TWC reporting mechanism. By drawing on the experience of the first reporting exercise, this body of research was able to offer novel recommendations as to how the exercise could be improved [R4]. Key recommendations were: (i) to clarify terminology through the development of a guide that civil servants could consult when completing their reports; (ii) to revise the reporting template in order to improve its clarity; and (iii) to organise a series of regional capacity-building workshops to support civil servants responsible for completing national reports.

### 3. References to the research (indicative maximum of six references)

**R1.** Yihdego, Z. and **Alistair Rieu-Clarke** 'International Law developments on the sharing of the Blue Nile waters – a fairness perspective' in Z. Yihdego, **Alistair Rieu-Clarke** and A. Cascão (eds), *The Grand Ethiopian Renaissance Dam and the Nile Basin – implications for Transboundary Water Cooperation* (London: Routledge, 2017) (available on request)

**R2.** Kinna, R. and **Alistair Rieu-Clarke** *The Governance Regime of the Mekong River Basin – Can the Global Water Conventions Strengthen the 1995 Mekong Agreement* (Leiden: Brill, 2017) [https://brill.com/view/journals/rpwl/2/1/article-p1\\_1.xml?language=en](https://brill.com/view/journals/rpwl/2/1/article-p1_1.xml?language=en)

**R3.** Bertule, M., Glennie, P., Bjørnsen, P., Lloyd, G., Kjellen, M., Dalton, J., **Alistair Rieu-Clarke**, et al. (2018) 'Monitoring Water Resources Governance Progress Globally: Experience from Monitoring SDG Indicator on Integrated Water Resources Management Implementation' *Water* 10(12): 1744 <https://doi.org/10.3390/w10121744>

**R4.** **Alistair Rieu-Clarke** (2020) 'Can reporting enhance transboundary water cooperation? Early insights from the Water Convention and the Sustainable Development Goals reporting exercise' *Review of European, Comparative and International Environmental Law* 29(3): 361-371 <https://doi.org/10.1111/reel.12344>

Research co-authored with policymakers and those with specific geographical expertise.

### 4. Details of the impact (indicative maximum 750 words)

The Integrated Water Resources Management (IWRM) approach that replaces the traditional, fragmented approach to water management with a more holistic one, is accepted internationally

as the model approach for efficient, equitable and sustainable development and management of the world's limited water resources, and for coping with conflicting demands. Two UN level initiatives address IWRM at a transboundary level. The first is the Sustainable Development Goal (SDG) 6.5 which calls upon countries to, 'by 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate.' The second is the UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereafter, the Water Convention), which sets out key rules and principles by which countries share transboundary rivers, lakes, and aquifers. Reporting was introduced as a policy tool for monitoring and assessing the implementation of both these initiatives. Rieu-Clarke's research has assessed and strengthened the reporting mechanism under the SDGs and the Water Convention and has impacted on both the reporting process itself and the consequent new policies improving the reporting mechanism.

#### 4.1 Impacts on TWC reporting procedures and practices under the SDGs

In early 2017, the UN requested that the 153 countries that share transboundary waters report on their progress in advancing cooperation through SDG indicator 6.5.2. At the same time, 40 countries party to the Water Convention were asked to report on progress in the implementation of the Convention. The same reporting template (or questionnaire) was used for both exercises. By the end of March 2018, 107 countries had submitted national reports related to the SDG indicator, and 38 out of 40 Parties invited to report under the Water Convention had submitted reports concerning implementation of the Convention.

As a result of his work on TWC, Rieu-Clarke was asked to work with the UN throughout the initial reporting period to clarify issues of interpretation and application of reporting. During this period, Rieu-Clarke was based in Geneva and was able to use research related to the interpretation of cooperative arrangements [R1, R2], to guide the UN and the reporting countries in the most appropriate standardised interpretation of key terminology [E1]. This advice improved the quality and consistency of reports submitted by countries during the initial reporting exercise [E1]. As Sonja Koeppel, Secretary of the Water Convention confirms, based 'on his research related to international water law, Professor Rieu-Clarke was able to assist us in addressing many methodological issues, in particular on the terminology... [which] strengthened the reporting capacity of the civil servants' [E1].

Key recommendations set out in Rieu-Clarke's later research [R3, R4], also helped shape two inter-governmental policy decisions. Firstly, the *Decision on reporting and revised template for reporting under the Convention* [E2] included Rieu-Clarke's suggested revisions to the reporting template designed to improve the clarity of the questions, and therefore ultimately improve the quality of country responses. With inputs from colleagues from different UN agencies, Rieu-Clarke was responsible for the development of the revised template [E1]. Secondly, the *Decision on general issues of implementation* [E3] agreed to develop a guide to reporting [R3, R4]. The recommendation to develop a guide to reporting resulted in the UN convening a drafting group in 2019, composed of the representatives of nearly 40 countries that share transboundary waters in different regions of the world. Through membership of the drafting group, Rieu-Clarke was able to ensure that the guide included key recommendations from his research [R3, R4]. The draft was adopted by the UN in October 2018, translated into Arabic, English, Spanish, French, and Russian, and made available to 153 countries prior to the second reporting exercise, which started in January 2020 [E4]. The development and dissemination of the 'Guide has greatly helped to improve the quality of the national reports' submitted during the second reporting exercise [E1].

The *Decision on general issues of implementation* also agreed to introduce capacity-building activities, such as regional workshops, to help countries with their reporting commitments [E3]. These regional workshops – organised by the UN both in-country and remotely – took place in Central Africa (Cameroon, July 2019), Central America (Guatemala, November 2019), Europe and Central Asia (Switzerland, October 2019), the Middle East and North Africa (Lebanon, December 2018, and March 2020). The face-to-face workshops were supplemented by five on-line events in English, French, Spanish, and Russian (September 2020). Workshops drew upon

the lessons learnt from the first reporting exercise [R3, R4]. Uptake of these recommendations was secured by Rieu-Clarke being directly involved either in the planning and/or delivery of the workshops. Ultimately, the workshops enabled over 400 participants from more than 70 countries to better address reporting [E5]. Koepfel explains that, Rieu-Clarke's involvement in the workshops and on-line events has helped, *'increase the number of countries that have reported and to improve the quality of the reporting data'* [E1].

Both aforementioned inter-governmental decisions were prepared by the Secretariat of the Water Convention and others, with assistance from Rieu-Clarke, and were adopted by parties to the Water Convention at the eighth session of the meeting of the parties in Nur-Sultan, Kazakhstan in October 2018 [E2, E3]. The meeting of the parties was attended by over 600 participants, including country delegations from 90 countries.

#### **4.2 Impacts on TWC policy at UN-Water and in implementation of the Water Convention**

Research conducted by Rieu-Clarke during the 2018 reporting exercise [R3, R4] also informed the resulting analysis of the 107 national reports. Two UN publications [E5, E6] presented this analysis and supported advocacy towards improved TWC. Rieu-Clarke was lead author for both publications.

One of these publications [E5] was published by UN-Water, a co-ordinating mechanism that brings together 32 UN member agencies and programmes working on water and sanitation. Publications by UN-Water are approved by all 32 members including the World Health Organisation, UNICEF, UN Food and Agriculture Organisation, and the UN Development Programme. An overarching message contained in this publication was the need to accelerate progress on the adoption of operational arrangements as a means by which to advance TWC. The foreword, written by representatives of UN Economic Commission for Europe and UN Educational, Scientific and Cultural Organization noted that the report *'give(s) much-needed impetus to transboundary water cooperation around the world'*. With support from country delegates and UN agencies, this message was then fed into the High-level Political Forum on Sustainable Development, 9-18 July 2018, which brought together over 2,200 participants, including country leaders, private sector, and civil society actors. The message was included in the main outcome document of the meeting, the Ministerial Declaration [E7, paragraph 23] which committed to improving cooperation across borders in transboundary waters. The uptake of this message, based on the results of the reporting exercise, constitutes one of the strongest, globally-endorsed political commitments to date on the need for countries to cooperate over their transboundary waters. Antonio Guterres, UN Secretary-General, also referred to the results presented in the report to evidence the need for progress on transboundary water cooperation in his message to the eighth session of the meeting of the parties to the Water Convention in Nur-Sultan, October 2018 [E8].

The second report, which analyses the implementation of the Water Convention [E6] based on the national reports received during the first reporting exercise, acknowledged, for the first time, the value of the first reporting exercise. The report also offered targeted policy recommendations on how parties could improve the implementation of the Water Convention. Presentation of the report at the eighth session of the meeting of the parties secured recognition from the parties of the need to strengthen certain areas of implementation [E3].

The importance of this work lies in engaging with key players at the international and national levels to secure a collaborative and evidence-based approach to achieving stronger TWC and sustainable water management. Developing reporting and information-sharing mechanisms, enhancing their quality, and ensuring that they feed into the appropriate policy processes, is a critical element to meeting the challenges of water management. Rieu-Clarke's research has been integral to this endeavour and used throughout the development and implementation of the reporting processes to support the treaty infrastructure and the capacity of national governments to deliver accurate and robust data for enhanced understanding of the challenges of water usage and cooperation at the international level [E1].

<b>5. Sources to corroborate the impact</b> (indicative maximum of 10 references)		
<b>Ref.</b>	<b>Source of corroboration</b>	<b>Link to claimed impact</b>
E1	Letter from Sonja Koeppel	Secretary to the Water Convention explaining how research conducted by Rieu-Clarke has informed development and implementation of the reporting process
E2	Decision on reporting and revised template for reporting under the Convention, UN Doc. ECE/MP.WAT/2018/5	Document prepared by the Secretariat of the Water Convention and others, with assistance from Rieu-Clarke, proposing revisions to the reporting process and template, adopted by the parties to the Water Convention at the eighth session of the meeting of the parties in Nur-Sultan, Kazakhstan, 10-12 October 2018
E3	Decision on general issues of implementation, UN Doc. ECE/MP.WAT/2018/8	Document prepared by the Secretariat to the Water Convention and Implementation Committee, with assistance from Rieu-Clarke, drawing on analysis of results from the first reporting exercise, adopted by the parties to the Water Convention at the eighth session of the meeting of the parties in Nur-Sultan, Kazakhstan, 10-12 October 2018
E4	Guide to reporting under the Water Convention and as a contribution to SDG indicator 6.5.2	Rieu-Clarke was lead author for this publication (see acknowledgements)
E5	UN-Water, Progress on Transboundary Water Cooperation – Global baseline for SDG indicator 6.5.2	Rieu-Clarke was lead author for this publication (see acknowledgements)
E6	UNECE Report on Implementation of the Convention and the Protection and Use of Transboundary Watercourse and International Lakes	Rieu-Clarke was lead author for this publication (see preface)
E7	Ministerial declaration of the 2018 high-level political forum on sustainable development, convened under the auspices of the Economic and Social Council, on the theme 'Transformation towards sustainable and resilient societies'	Based on the analysis presented in the UN-Water synthesis report on Water and Sanitation 2018, and the UN Sustainable Development Report 2018, this declaration commits countries to improve cooperation over their transboundary waters
E8	UN Secretary-General message to the Meeting of the Parties to the Water Convention, Nur-Sultan, Kazakhstan, 10 October 2018	In this message the UN Secretary-General makes reference to SDG indicator 6.5.2 report as evidence of progress on transboundary water cooperation