



Treaty Series No. 49 (2012)

Agreement

between the United Nations Educational, Scientific and Cultural Organisation and the Government of the United Kingdom concerning the Establishment and Operation of the International IHP-HELP Centre for Water Law, Policy and Science under the Auspices of UNESCO at the University of Dundee, Scotland, UK

Paris & London, 15 December 2005

[The Agreement entered into force on 15 December 2005]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 2012*

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**AGREEMENT BETWEEN THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANISATION AND THE
GOVERNMENT OF THE UNITED KINGDOM CONCERNING THE
ESTABLISHMENT AND OPERATION OF THE INTERNATIONAL IHP-
HELP CENTRE FOR WATER LAW, POLICY AND SCIENCE UNDER
THE AUSPICES OF UNESCO AT THE UNIVERSITY OF DUNDEE,
SCOTLAND, UK**

WHEREAS the 16th session of the Intergovernmental Council of the International Hydrological Programme (IHP) of the United Nations Educational, Scientific and Cultural Organisation (“UNESCO”) adopted Resolution XVI-5, put forward by six Member States, which requested UNESCO’s assistance in preparing the documentation necessary to be submitted to the governing bodies of UNESCO for their consideration regarding the proposed establishment of the IHP-Hydrology for the Environment, Life and Policy (HELP) Centre for Water Law, Policy and Science, under the auspices of UNESCO (as category II centre), at the University of Dundee (“the University”), in accordance with document 21 C/36 Section B(ii) (hereinafter referred to as “the proposed IHP-HELP Centre”);

WHEREAS the Government of the United Kingdom (“the Government”) fully support the establishment of the proposed IHP-HELP Centre, as confirmed in the letters from the Secretary of State for International Development and the Deputy First Minister of Scotland;

RECOGNISING the importance of the UNESCO IHP-HELP Programme, which has established a global network of 67 basins, and which forms the basis for the proposed IHP-HELP Centre;

HAVE AGREED AS FOLLOWS:

ARTICLE I

Establishment

1. The Government agrees to take any appropriate measures, in accordance with its laws and regulations, that may be required for the setting-up of the proposed IHP-HELP Centre as provided for under this Agreement. The structure of the proposed IHP-HELP Centre shall correspond to the framework to be agreed between UNESCO and the University of Dundee in conformity with the elements outlined in the Annex to this Agreement.

ARTICLE II

Contribution of UNESCO

1. UNESCO shall provide assistance in the form of a technical contribution for the activities of the proposed IHP-HELP Centre in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO, upon request of the proposed IHP-HELP Centre, shall agree to:
 - provide the assistance of its experts in the specialised and related fields relevant to the work of the proposed IHP-HELP Centre;
 - provide liaison and coordination with the UNESCO IHP Programme and international network of experts linked with the activities of UNESCO;
 - provide liaison and coordination with the UNESCO IHP-HELP Programme through the person in the IHP secretariat responsible for administering that programme;
 - second temporarily members of its staff to the proposed IHP-HELP Centre on an exceptional basis, as decided by the Director-General, if justified by the implementation of a joint activity/project within a priority area as approved by UNESCO's governing bodies;
 - include the proposed IHP-HELP Centre in various programmes, which UNESCO implements and in which the participation of the former seems necessary to it.
3. In all the cases listed above, this contribution shall be provided for in UNESCO's programmes and budget.

ARTICLE III

Contribution of the Government

1. The Government shall take appropriate measures, in accordance with its laws and regulations which may be necessary to provide the financial support up to a maximum of NINE HUNDRED THOUSAND POUNDS STERLING (£900,000) that may be required for the setting-up of the proposed IHP-HELP Centre at the University as provided for under this Agreement.

ARTICLE IV

Evaluation

1. UNESCO may, at any time, and upon due notification to the proposed IHP-HELP Centre, carry out an evaluation of the activities of the proposed IHP-HELP Centre in order to determine:
 - whether the proposed IHP-HELP Centre makes an important contribution to the strategic goals of UNESCO;
 - whether the activities set forth in the Annex to this Agreement have been effectively pursued by the proposed IHP-HELP Centre.
2. UNESCO shall submit to the proposed IHP-HELP Centre and the Government, at the earliest opportunity, a report on any evaluation.
3. The proposed IHP-HELP Centre shall review and respond to the UNESCO evaluation in due course.

ARTICLE V

Use of UNESCO Name and Logo

1. The proposed IHP-HELP Centre shall be permitted to mention its affiliation with UNESCO. It may therefore use after its title the mention “under the auspices of UNESCO”.
2. The proposed IHP-HELP Centre shall be authorised to use the UNESCO logo or a version thereof on its letterhead paper and documents, such use conditional upon authorisation of the UNESCO governing bodies.

ARTICLE VI

Duration of the Organisation’s Assistance

1. UNESCO’s assistance under this Agreement is fixed for an initial period of five years as from its date of entry into force and may be renewed thereafter.

ARTICLE VII

Entry into Force

1. This Agreement shall enter into force upon signature.

ARTICLE VIII

Termination

1. The non-observance of one or several obligations contained in the present Agreement by one of the parties shall entitle the other to serve on the non-observing party a written notice of intention to terminate the Agreement.
2. Each of the parties has the right to unilaterally withdraw from this Agreement upon giving not less than twelve months' written notice to the other party, after the expiry of which time the Agreement will be terminated.

ARTICLE IX

Amendment

1. The present Agreement may be amended by written agreement between the parties.

IN WITNESS WHEREOF the undersigned representatives, duly authorised thereto, have signed this Agreement.

DONE in duplicate in both London and Paris this fifteenth day of December 2005 in the English language.

For the Government of the United Kingdom:

JACK STRAW

For the Director-General of the United Nations Educational, Scientific and Cultural Organisation:

MARCIO BARBOSA

ANNEX

ELEMENTS TO BE INCLUDED IN THE AGREEMENT BETWEEN UNESCO AND THE UNIVERSITY REGARDING THE STATUTES OF THE INTERNATIONAL IHP-HELP CENTRE FOR WATER LAW, POLICY AND SCIENCE UNDER THE AUSPICES OF UNESCO AT THE UNIVERSITY OF DUNDEE, SCOTLAND, UK

ARTICLE 1

Participation

1. The IHP-HELP Centre for Water Law, Policy and Science (“The IHP-HELP Centre”) shall be an autonomous institution, established in accordance with the Charter of the University of Dundee (“the University”), at the service of Member States of UNESCO, which, by their common interest in the objectives of the IHP-HELP Centre and their commitment to improved water-resources management, desire to cooperate with the IHP-HELP Centre.
2. Member States of UNESCO wishing to participate in the IHP-HELP Centre’s activities shall send the Director-General of UNESCO a notification to this effect. The Director-General shall inform the IHP-HELP Centre and the notifying Member State(s) of the receipt of such notification.

ARTICLE 2

Juridical Personality

1. The IHP-HELP Centre, in accordance with the Charter of the University and usual University practice, shall enjoy, in the United Kingdom, the personality and legal capacity necessary for the exercise of its functions, and in particular:
 - a) the capacity to contract, to institute legal proceedings, to acquire and dispose of movable and immovable property; and
 - b) to receive subventions, obtain payments for services rendered and carry out the acquisition of all means required.

ARTICLE 3

Objectives and Functions

1. The objectives of the IHP-HELP Centre are:
 - (a) to provide a facility that promotes an interdisciplinary approach to addressing global water issues with a focus on poverty reduction and international development issues (including the United Nations Millennium Goals related to water), and, including water law (international, national and transnational water law) as an essential and integral element thereof;
 - (b) to provide the intellectual leadership necessary in achieving this approach and to establish a dedicated institution for the dissemination of relevant research and scholarship on the topic, available to the global water-concerned community worldwide and aimed at generating goodwill with the international community;
 - (c) to communicate legal expertise on global water issues for the HELP Programmes of the UNESCO IHP, especially through the IHP-HELP Regional Coordinating Units, as well as to support the other water-related activities of the IHP.
 - (d) to act as the Regional Coordinating Unit for the European HELP basins and proactively interact with other HELP Regional Coordinating Units.
2. The functions of the IHP-HELP Centre shall be to:
 - (a) design, develop and deliver educational and training activities related to its interdisciplinary approach to water-resources management, with a particular focus on poverty reduction and international development, including assisting States to achieve the United Nations Millennium Development Goals related to water;
 - (b) convene interdisciplinary scientific symposia and conferences at regional and international levels, as well as training workshops, with a particular focus on interfacing water law, policy and science and to developing capacity within nation-states worldwide;
 - (c) provide a focal point for HELP basins worldwide on issues related to water law and the interface between water law, policy and science issues;

- (d) endeavour to establish the Spey basin (Scotland) as a HELP basin for research and training within the IHP-HELP Centre's mandate of providing an interface between hydrological research and water policy and law; and act as liaison with related UK-based research programmes, such as CHASM-HELP (Catchment Hydrology and Sustainable Management), SNIFFER (Scotland and Northern Ireland Forum for Environmental Research), RELU (Rural Economy and Land Use programme);
 - e) develop new approaches to water resources management incorporating water law, policy and science as integrated components to address global water problems, with efforts also to support the development of a new generation of water leaders at the national level worldwide, familiar with the IHP-HELP Centre approach;
 - (f) provide a forum for think-tank meetings on water-related topics;
 - (g) provide expert input as required by UNESCO IHP; and
 - (h) collaborate proactively with other UNESCO HELP Regional Coordinating Units and IHP Water Centres.
3. The IHP-HELP Centre shall pursue the above objectives and functions in close coordination with UNESCO IHP, and in particular, the IHP-HELP programme.
4. The IHP-HELP Centre shall carry out the above functions to the extent to which resources and international support can be mobilised.

ARTICLE 4

Governing Board

1. The IHP-HELP Centre shall be guided and supported by a Governing Board renewed as necessary, and including, but not limited to, representation from the following:
- (a) the Scottish Ministers or their appointed representative (but only if the Scottish Ministers wish to be represented on the Governing Board);
 - (b) the Director-General of UNESCO, or his/her appointed representative;
 - (c) the University's appointed representative, as designed by the Principal;

- (d) any other intergovernmental, governmental or non-governmental organisation making a substantial contribution to the operating budget or running of the IHP-HELP Centre and accorded a seat by a decision of the Governing Board;
- (e) a representative of the Member States wishing to participate in the Centre's activities and accorded a seat by a decision of the Governing Board; and
- (f) a representative from the UK water industry is accorded a seat by the Governing Board.

2. The Governing Board shall:

- (a) assist in developing, and advising on, the long-term and medium-term programmes of the HELP Centre;
- (b) approve the annual work plan and budget of the IHP-HELP Centre, including the staffing table;
- (c) approve the annual reports submitted by the Director of the IHP-HELP Centre;
- (d) advise on the rules and regulations and determine the financial, administrative and personnel management procedures of the IHP-HELP Centre;
- (e) decide upon the participation of regional intergovernmental organisations, international organisations and other relevant organisations in the work of the IHP-HELP Centre.

3. The Governing Board shall meet in ordinary session at regular intervals at least once every calendar year. It shall meet in extraordinary session in the following circumstances:

- a) if summoned by the Chairperson:
 - (i) on his/her own initiative;
 - (ii) if requested by a three-quarters majority of its members; or
 - (iii) where notice of intention to terminate this Agreement has been given under Article VIII of the Agreement between UNESCO and the Government of the United Kingdom concerning the establishment and operation of the International IHP-HELP Centre for Water Law, Policy and Science under the auspices of UNESCO at the University of Dundee, Scotland, UK;

b) at the request of the Director-General of UNESCO.

4. The Governing Board shall adopt its own rules of procedure. For its first meeting the procedure shall be established by the University in consultation with the Government and UNESCO.

ARTICLE 5

Standing Committee

1. In order to ensure the effective running of the IHP-HELP Centre between its sessions, the Governing Board may establish, as needed, a Standing Committee, whose membership, mandate and duration of existence, shall be determined and agreed by the Governing Board.

ARTICLE 6

Secretariat

1. The IHP-HELP Centre's secretariat shall consist of a Director and such staff as is necessary for the effective functioning of the IHP-HELP Centre.

2. The Director shall be appointed upon the advice of the Principal of the University in consultation with the Director-General of UNESCO.

3. The staff shall be appointed by the Director in consultation with the Principal of the University.

4. The other members of the Secretariat may comprise:

- (a) members of UNESCO's staff as may be temporarily seconded and otherwise made available to the IHP-HELP Centre, as provided for by UNESCO's regulations and by the decisions of its governing bodies;
- (b) officials from the Government who may be made available to the IHP-HELP Centre; and
- (c) any other person(s) appointed by the Director, in accordance with the procedures laid down by the Governing Board.

ARTICLE 7

Duties of the Director

1. The Director shall discharge the following duties:
 - (a) direct the work of the IHP-HELP Centre in conformity with the programmes established by the Governing Board;
 - (b) propose the draft work plan and budget to be submitted to the Governing Board for consideration and approval;
 - (c) prepare the provisional agenda for the sessions of the Governing Board and submit to it any proposals that he/she may deem useful for the administration of the HELP Centre;
 - (d) prepare reports on the IHP-HELP Centre's activities to be submitted to the Governing Board;
 - (e) act as representative for the IHP-HELP Centre.



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