

No. 55334. Netherlands (for the European part of the Netherlands) and United Nations Educational, Scientific and Cultural Organization

AGREEMENT BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION CONCERNING THE IHE DELFT INSTITUTE FOR WATER EDUCATION IN THE NETHERLANDS AS AN INSTITUTE UNDER THE AUSPICES OF UNESCO (CATEGORY 2). PARIS, 15 DECEMBER 2017 [*United Nations, Treaty Series, vol. 3261, I-55334.*]

AGREEMENT BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) REGARDING THE RENEWAL OF IHE DELFT INSTITUTE FOR WATER EDUCATION IN THE NETHERLANDS AS A CATEGORY 2 INSTITUTE UNDER THE AUSPICES OF UNESCO. PARIS, 24 JULY 2024 AND 25 JULY 2024*

Entry into force: provisionally on 26 July 2024, in accordance with article 15

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N° 55334. Pays-Bas (à l'égard de la partie européenne des Pays-Bas) et Organisation des Nations Unies pour l'éducation, la science et la culture

ACCORD ENTRE LE ROYAUME DES PAYS-BAS ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE CONCERNANT L'INSTITUT IHE DELFT POUR L'ÉDUCATION RELATIVE À L'EAU AUX PAYS-BAS EN TANT QU'INSTITUT SOUS L'ÉGIDE DE L'UNESCO (CATÉGORIE 2). PARIS, 15 DÉCEMBRE 2017 [*Nations Unies, Recueil des Traités, vol. 3261, I-55334.*]

ACCORD ENTRE LE ROYAUME DES PAYS-BAS ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE (UNESCO) CONCERNANT LE RENOUVELLEMENT DU STATUT DE L'INSTITUT IHE DELFT POUR L'ÉDUCATION DANS LE DOMAINE DE L'EAU AUX PAYS-BAS EN TANT QU'INSTITUT DE CATÉGORIE 2 PLACÉ SOUS L'ÉGIDE DE L'UNESCO. PARIS, 24 JUILLET 2024 ET 25 JUILLET 2024*

Entrée en vigueur: provisoirement le 26 juillet 2024, conformément à l'article 15

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[TEXT IN ENGLISH – TEXTE EN ANGLAIS]

Agreement between the Kingdom of the Netherlands and the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding the renewal of the IHE Delft Institute for Water Education in the Netherlands as a category 2 institute under the auspices of UNESCO

The Kingdom of the Netherlands,

and

the United Nations Educational, Scientific and Cultural Organization (UNESCO)

Recalling that the General Conference of UNESCO, at its 39th session (Resolution 39 C/19), approved in 2017 the establishment of the IHE Delft Institute for Water Education in the Netherlands as a category 2 institute under the auspices of UNESCO and authorized the Director-General of UNESCO to sign the corresponding Agreement;

Having regard to the Agreement between the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Kingdom of the Netherlands concerning the IHE Delft Institute for Water Education in the Netherlands as an institute under the auspices of UNESCO (category 2), concluded in Paris on 15 December 2017, which entered in force on 26 July 2018;

Recalling that the Executive Board of UNESCO, at its 219 session (Decision 219 EX/SR.5), decided to renew the status of the IHE Delft Institute for Water Education in the Netherlands as a category 2 institute under the auspices of UNESCO and authorized the Director-General of UNESCO to sign the corresponding Agreement;

Desirous of defining the terms and conditions governing the framework for cooperation between UNESCO and the Kingdom of the Netherlands concerning the renewal of the IHE Delft Institute for Water Education as a category 2 institute under this Agreement;

Considering that UNESCO and the IHE Delft Institute for Water Education in the Netherlands have signed a Memorandum of Understanding on 25 July 2024,

Have agreed as follows:

Article 1

– *Definitions*

In this agreement:

- a) "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
- b) "Government" refers to the Kingdom of the Netherlands.
- c) "Institute" refers to the IHE Delft Institute for Water Education in the Netherlands.

d) "Parties" refers to the United Nations Educational, Scientific and Cultural Organisation and the Kingdom of the Netherlands.

Article 2

– *Operation*

The Government agrees to take, in the course of the year 2024, any measures that may be required for the continued operation of the IHE Delft Institute for Water Education as a category 2 institute under the auspices of UNESCO, as provided for under this Agreement.

Article 3

– *Purpose of the Agreement*

The purpose of this Agreement is to define the terms and conditions governing collaboration between the Parties regarding the Institute and also the rights and obligations stemming therefrom for the Parties.

Article 4

– *Legal Status*

1. The Institute shall be independent of UNESCO and shall operate and act under Dutch law as an independent organization.

2. The Government shall, in accordance with the laws and regulations of the Netherlands, ensure that the Institute enjoys within its territory the functional autonomy necessary for the execution of its activities and the legal capacity to:

- a) contract;
- b) institute legal proceedings; and
- c) acquire and dispose of movable and immovable property.

Article 5

– *Constitutive Act*

The Constitutive Act of the Institute shall include provisions describing precisely:

- a) the legal status granted to the Institute, within the national legal system, the legal capacity necessary to exercise its functions and to receive funds, obtain payments for services rendered, and acquire all means necessary for its functioning;
- b) a governing structure for the Institute allowing UNESCO representation within its Governing Board.

Article 6

– *Functions and Objectives*

The functions and objectives of the Institute shall be to:

- a) develop capacity in the water and related sectors at individual, organizational and institutional levels, through education, research and innovation, and institutional strengthening. The Institute contributes to SDG 6 and all water-related SDGs and targets through education and research on relevant topics, including technical knowledge, water governance and knowledge management;
- b) enhance capacities – at individual level through the Master of Science and other educational programmes, and institutional level by strengthening competencies targeting governments, civil society and private sector with a special focus on developing countries and countries in transition;
- c) promote development and innovation through research, institutional collaboration;
- d) promote advocacy and information sharing.

Article 7

– *Governing Board*

1. The Institute shall be guided and overseen by a Governing Board, renewed every three (3) years, and include:

- a) a representative of the Government or his/her appointed representative;
- b) representatives of Member State(s) and or Associate Member State(s), which have sent to the Institute notification for membership, in accordance with the stipulations of Article 10.2 and have expressed interest in being represented on the Board;

- c) a representative of the Director-General of UNESCO.
2. The Governing Board shall:
- a) approve the long-term and medium-term programmes of the Institute;
 - b) approve the annual work plan and budget of the Institute, including the staffing table;
 - c) examine the annual and evaluation reports submitted by the Director of the Institute, including reports of the Institute's contribution to UNESCO's approved programme and budget (C/5), global strategies and action plans as well as sectoral programme priorities, and develop response strategies for strengthening such contribution;
 - d) examine the periodic independent audit reports of the financial statements of the Institute and monitor the provision of such accounting records necessary for the preparation of financial statements;
 - e) adopt the rules and regulations and determine the financial, administrative and personnel management procedures for the Institute in accordance with the laws of the country;
 - f) decide on the participation of regional intergovernmental, international and national organizations in the work of the Institute.
3. The Governing Board shall meet in ordinary session at regular intervals, at least once every calendar year; it shall meet in extraordinary session if convened by its Chairperson, either on his/her own initiative or at the request of the Director-General of UNESCO or of majority of its members.
4. The Governing Board may adopt its own rules of procedure.

Article 8

– Contribution by the Government

The Government undertakes to make available to the Institute the following:

- a) The Government shall, subject to its relevant and appropriate laws and regulations and following the annual budget appropriation of the Netherlands, provide the financial resources needed for the administration and proper functioning of the Institute. The Government therefore undertakes to grant a base subsidy for these tasks. The size of this base subsidy will be determined by the Government on an annual basis.
- b) The Institute may also participate in specific programmes commissioned by the different departments of the Government and/or governmental agencies.

Article 9

– Contribution by UNESCO

1. UNESCO may provide assistance, as needed, in the form of technical assistance for the programme activities of the Institute which are in accordance with UNESCO's Approved Programme and Budget (C/5), including its strategic goals and objectives by:
- a) providing the assistance of its experts in the specialized fields of the Institute;
 - b) engaging in temporary staff exchanges when appropriate, whereby the staff concerned will remain on the payroll of the dispatching organizations; and
 - c) seconding members of its staff temporarily, as may be decided by the Director-General of UNESCO on an exceptional basis if justified by the implementation of a joint activity or project within a strategic programme priority area.
2. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's Programme and Budget, and UNESCO shall provide Member States with accounts relating to the use of its staff and associated costs.

Article 10

– Participation

1. The Institute shall encourage the participation of Member States and Associate Member States of UNESCO which, by their common interest in the objectives of the Institute, desire to cooperate with the Institute.
2. Member States and Associate Member States of UNESCO wishing to participate in the Institute's activities and to be represented on the Governing Board as a member, as provided for under this Agreement, shall send to the Institute notification to this effect. The Institute shall inform the Parties and other participating Member States and/or Associate Member States of UNESCO of the receipt of such notifications.

Article 11

– Responsibility

As the Institute is legally separate from UNESCO, the latter shall not be legally responsible for the acts or omissions of the Institute, and shall also not be subject to any legal process, and/or bear no liabilities of any kind, be they financial or otherwise, with the exception of the provisions expressly laid down in this Agreement.

Article 12

– Evaluation

1. UNESCO may, at any time, undertake an evaluation of the activities of the Institute, to be funded by the Institute, in order to ascertain whether:
 - a) the Institute makes a significant contribution to UNESCO's prevailing Approved Programme and Budget (C/5) at the time of its renewal, including global strategies and action plans as well as sectoral programme priorities;
 - b) the activities effectively pursued by the Institute are in conformity with those set out in this Agreement.
2. UNESCO shall, for the purpose of the renewal of this Agreement, conduct an evaluation of the contribution of the Institute to UNESCO's prevailing Approved Programme and Budget (C/5) at the time of its renewal, including global strategies and action plans, as well as sectoral programme priorities, to be funded by the Institute.
3. UNESCO undertakes to submit to the Government and the Institute, at the earliest opportunity, a report on any evaluation conducted and to make it available on the relevant Programme Sector's website.
4. Following the results of an evaluation, each of the Parties shall have the option of requesting a revision of the contents of this Agreement or of denouncing this Agreement, as envisaged in Articles 17 and 18.

Article 13

– Use of UNESCO's Name and Logo

1. The Institute may mention its affiliation with UNESCO. It may therefore use after its title the mention "under the auspices of UNESCO".
2. The Institute is authorized to use the UNESCO logo or a version thereof on its letter headed paper and documents including electronic documents and websites in accordance with the conditions established by the governing bodies of UNESCO.
3. Use of UNESCO's name and logo including in the name, on letter headed paper and documents, including electronic documents and web pages of the Institute are strictly prohibited in the absence of a valid agreement with UNESCO.

Article 14

– Territorial application

With respect to the Kingdom of the Netherlands, this Agreement shall apply to the European part of the Netherlands.

Article 15

– Entry into Force

Following its signature by the Parties, this Agreement shall enter into force when the Government has informed UNESCO in writing that all the formalities required to that effect by the domestic law of the Kingdom of the Netherlands have been completed. The date of receipt by UNESCO of the notification shall be deemed to be the date of entry into force of this Agreement. In case this Agreement has not entered into force on 26 July 2024, this Agreement shall be provisionally applied from that date, pending its entry into force.

Article 16

– *Duration*

This Agreement is concluded for a period of eight (8) years as from its entry into force or of provisional application. The Agreement shall be renewed or terminated on the basis of a decision by the Executive Board following a recommendation of the Director-General of UNESCO.

Article 17

– *Denunciation*

1. Each of the Parties shall be entitled to denounce this Agreement unilaterally.
2. The denunciation shall take effect on the thirtieth day following the receipt of the notification sent by one of the Parties to the other.
3. In case of denunciation of either this Agreement or the Memorandum of Understanding between UNESCO and the Institute, both this Agreement and the Memorandum of Understanding shall terminate on the same date.

Article 18

– *Revision*

This Agreement may be revised by written consent between the Parties. Such revision shall enter into force in accordance with the provisions of Article 15 of this Agreement.

Article 19

– *Settlement of Disputes*

Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, shall be settled by negotiation or any other appropriate method agreed upon by the Parties.

Article 20

– *Privileges and Immunities*

Nothing in or relating to this Agreement shall be deemed a waiver of any of the privileges and immunities of UNESCO.

IN WITNESS WHEREOF, the undersigned have signed this Agreement,

DONE in duplicate, in the English language.

For the Kingdom of the Netherlands,

CARLIEN SCHRIJVERSHOF
Deputy Permanent Delegate of the Kingdom of the Netherlands to UNESCO

Date: 25 July 2024

For the United Nations Educational, Scientific and Cultural Organization,

AUDREY AZOULAY
Director-General

Date: 24 July 2024

