



Item 5.16 of the agenda

**PROPOSED ESTABLISHMENT OF AN INTERNATIONAL IHP-HELP CENTRE
FOR WATER LAW, POLICY AND SCIENCE AT THE UNIVERSITY OF DUNDEE,
SCOTLAND, UK, UNDER THE AUSPICES OF UNESCO**

OUTLINE

Source: 21 C/Resolution 40.1 and 172 EX/Decision 14.

Background: The Government of the United Kingdom proposed the establishment of the International IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee, UK, under the auspices of UNESCO (171 EX/57) in April 2005. The Executive Board at its 171st session welcomed the proposal and recommended in 171 EX/Decision 63 that a feasibility study regarding the Centre be conducted with the results presented to the 172nd session of the Executive Board. After reviewing the report by the Director-General on a feasibility study for the establishment of the proposed centre (172 EX/15), the Executive Board at its 172nd session (172 EX/Decision 14) recommended that the General Conference at its 33rd session approve the establishment of the Centre and that it authorize the Director-General to sign an agreement with the Government of the United Kingdom to establish the Centre under the auspices of UNESCO.

Purpose: This document follows up 172 EX/Decision 14 and introduces a proposed resolution on the approval of the Centre. Document 172 EX/15 (and Corr.) describing the proposal and analysing the feasibility of the Centre in accordance with the guidelines contained in document 21 C/36, and containing as Annex II the Draft Agreement between UNESCO and the Government of the United Kingdom to establish the Centre, is annexed to this document.

Decision required: Paragraph 2.

1. The Executive Board at its 172nd session (September 2005) considered item 14: Proposed Establishment of the International IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee, Scotland, UK, under the auspices of UNESCO. Having examined document 172 EX/15 which describes the proposal and analyses the feasibility of the Centre in accordance with the guidelines contained in document 21 C/36, the Executive Board welcomed the proposal for

the establishment of the Centre. The Board recommended that the General Conference at its 33rd session approve the creation of the said Centre under the auspices of UNESCO and that it authorize the Director-General to sign an agreement with the Government of the United Kingdom to establish the Centre under the auspices of UNESCO (172 EX/Decision 14).

2. In view of the above, the General Conference may consider the following draft resolution:

The General Conference,

1. Recalling 21 C/Resolution 40.1 and 165 EX/Decision 5.4,
2. Further recalling paragraphs 29 and 33 of the Science Agenda – Framework for Action adopted by the World Conference on Science in Budapest in June 1999, as well as Resolution XVI-5 adopted by the Intergovernmental Council of the International Hydrological Programme (IHP) in September 2004,
3. Having examined document 33 C/53 and its annex,
4. Welcomes the proposal of the Government of the United Kingdom to establish the International IHP-HELP Centre for Water Law, Policy and Science under the auspices of UNESCO, which is in line with the existing principles and guidelines (21 C/36) and the proposed strategy for this category of institutes and centres (165 EX/20 and 167 EX/16);
5. Approves the establishment of the International IHP-HELP Centre for Water Law, Policy and Science, under the auspices of UNESCO, as recommended by the Executive Board at its 172nd Session (172 EX/Decision 14);
6. Invites the Director-General to sign the corresponding agreement between UNESCO and the Government of the United Kingdom contained in Annex II to document 172 EX/15.

ANNEX

United Nations Educational,
Scientific and Cultural Organization

Executive Board

eX

Hundred and seventy-second session

172 EX/15
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**REPORT BY THE DIRECTOR-GENERAL
ON A FEASIBILITY STUDY FOR THE ESTABLISHMENT
OF AN INTERNATIONAL IHP-HELP CENTRE FOR WATER LAW,
POLICY AND SCIENCE AT THE UNIVERSITY OF DUNDEE, SCOTLAND, UK
UNDER THE AUSPICES OF UNESCO**

SUMMARY

At the 16th session of the IHP Intergovernmental Council (20-25 September 2004), the United Kingdom proposed the establishment of an international category II centre under the auspices of UNESCO at the University of Dundee, Scotland. The IHP Intergovernmental Council welcomed the proposal and requested, in Resolution XVI-5, UNESCO's assistance in preparing the necessary documentation. At the 171st session of the Executive Board, in response to the proposal by the United Kingdom (171 EX/57), the Director-General recommended (171 EX/INF.20) that a feasibility study regarding the proposed centre be carried out, with the results to be presented to the Executive Board at its 172nd session (171 EX/Decision 63) and considered by the General Conference at its 33rd session.

This document consists of a report by the Director-General assessing the feasibility of the proposal, and contains a proposed decision on the approval of the proposed IHP-HELP Centre, supplemented by annexes containing IHP Intergovernmental Council Resolution XVI-5 and the proposed Draft Agreement (and its Annex) to establish the Centre.

Decision proposed: paragraph 20.

INTRODUCTION

- 1. UNESCO HELP Programme.** The UNESCO IHP-HELP (Hydrology for the Environment, Life and Policy) Programme promotes integrated catchment management through the creation of a framework for the active interface of water law and policy experts, water resource managers and water scientists in their work on water-related problems around the world. There is a need globally to integrate water law into the work done by the Global HELP Centres and HELP Regional Coordinating Units, in HELP Basins, and in UNESCO IHP programmes, more generally.
- 2. United Kingdom proposal for the proposed IHP-HELP Centre.** The United Kingdom has proposed the establishment of an IHP-HELP Centre for Water Law, Policy and Science, under the auspices of UNESCO, at the University of Dundee, according to 21 C/36, section B(ii) (hereinafter “the proposed HELP Centre”). This document outlines the background and nature of the proposal and the foreseeable consequences of the creation of this Centre, especially with regard to the benefits to Member States and its relevance to UNESCO’s programmes. In accordance with the relevant resolutions of the General Conference (21 C/Resolution 40) concerning the establishment of international or regional centres under the auspices of UNESCO, the views of, and a decision from, the Executive Board are sought that would permit the continuation of the process for the establishment of the proposed HELP Centre under the auspices of UNESCO.
- 3. Global imperatives – United Nations Millennium Development Goals.** The United Nations Millennium Development Goals (MDGs) call for halving the number of people without access to adequate drinking water and sanitation by the year 2015 and call upon States to take action to reduce poverty around the world. The need for effective water resources management, which is linked directly to economic development, is also identified in the recent United Nations resolution 58/217. The International Decade for Action, “Water for Life”, 2005-2015 calls for “a greater focus on water-related issues at all levels and on the implementation of water-related programmes and projects, while striving to ensure the participation and involvement of women in water-related development efforts, and the furtherance of cooperation at all levels, in order to help to achieve internationally agreed water-related goals contained in Agenda 21, the Programme for the Further Implementation of Agenda 21, the United Nations Millennium Declaration 5 and the Johannesburg Plan of Implementation, and, as appropriate, those identified during the twelfth and thirteenth sessions of the Commission on Sustainable Development”. The topic of “Water and associated ecosystems” is also the principal priority of UNESCO Major Programme II for the period 2002-2007. It is also clear that “good science” alone will not provide the solution to the world’s water problems, which require a transparent, enforceable and responsive framework for implementation – including water treaties, laws and regulations.
- 4. UNESCO IHP-VI Programme.** The proposed plan for the sixth phase of the International Hydrological Programme for 2002-2007 (IHP-VI) approved by the General Conference at its 31st session has the sustainable management of water resources as its main objective. The Programme is split into five major themes divided into 21 focal areas. HELP is a cross-cutting project related to all 21 focal areas.
- 5. Role of water law.** Once users, at the local, regional or international level, have agreed on a policy regarding the management of its fresh water, one of the most important tools to ensure implementation of this policy is a solid and responsive legal framework. Within this context, it is most important that water lawyers, water scientists and water users are effectively engaged. The proposed HELP Centre would provide an opportunity to ensure this relationship is effective and develop legal frameworks in line with stakeholders’ needs and requirements.

6. **Dundee International Water Law Research Institute (IWLRI).** The IWLRI, with an established international reputation of excellence in the field of water law (international, national and transnational water law and policy), was one of the founding Members of HELP, and continues to provide water law expertise and support for UNESCO in general, and the IHP-HELP Programme, in particular, globally. The IWLRI, building upon its past experience and on its formally established research connections with the Faculty of Engineering, the Department of Geography at the University of Dundee, and the Faculty of Life Sciences will form the nucleus of the proposed HELP Centre.

7. **Need for operational interdisciplinary approach.** Practice on the ground, and in particular the work on the UNESCO IHP-HELP basins, has demonstrated the need for an operational interdisciplinary approach to water resources management, including water law as a key component. However, experience demonstrates the real challenge in creating a working partnership between these very different disciplines. The proposed HELP Centre would play a key role in demonstrating how this can be achieved.

8. **UNESCO Medium-Term Strategy.** The Medium-Term Strategy (31 C/4) of UNESCO stressed the importance of creating partnerships in order to be effective and to strengthen outreach and acceptance and recommended seeking the engagement not only of governments and other international and intergovernmental organizations, but also civil society and the private sector, through partnerships, linkages and networking.

9. **The technical and policy basis for the proposed HELP Centre.** At the global scale, there exists a poor connection between hydrological research and the development of legal instruments (treaties, national laws and regulations) linked with water law and policy. This is demonstrated by the poor communication between scientists and water law and water policy, which results in barriers to use the research results for use in water legal instruments. Equally, the scientific community has no appreciation of what new scientific research is required for the implementation of effective water law instruments.

10. **UNESCO 16th Intergovernmental Council of IHP briefing.** In September 2004, the Permanent Delegation of the United Kingdom to UNESCO briefed the 16th session of the Intergovernmental Council of IHP on the declaration of these activities and proposed the establishment of a UNESO IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee. After due consideration, the Council adopted Resolution XVI-5 (Annex I), in which it welcomed the proposal, recognizing the potential role of the proposed HELP Centre in addressing key issues related to the world's looming water crisis, including in particular, the need for a sound legal framework to ensure the effective management of water resources and assisting States to achieve their commitments under the United Nations MDGs. The effective management of water resources at the local, regional and global levels, consistent with the principles of integrated water resources management, requires an operational interdisciplinary approach integrating the expertise of a broad spectrum of disciplines – including water law.

11. **UNESCO missions to the University of Dundee.** In fulfilment of the actions called for by the decision of the 16th session of the IHP Intergovernmental Council, Dr Patricia Wouters, Director of the IWLRI, University of Dundee, undertook a mission to UNESCO, Paris. Further, the Director of the Division of Water Sciences and Secretary of IHP conducted a mission to Dundee to meet with Sir Alan Langlands, Principal of the University (June 2004). Preceding the mission of the Director of the Division of Water Sciences and Secretary of IHP, the Chief of Hydrological Processes and Climate Section, UNESCO, Paris, undertook two missions to Dundee in January and May 2004, which resulted in the Resolution XVI-5, put forward to the 16th session of the IHP Intergovernmental Council, September 2004 (Annex I). Subsequently, the Chief of Hydrological

Processes and Climate Section undertook further missions in August and December 2004 (including a meeting with the Scottish Executive in December 2004) prior to the announcement of funding support from the Scottish Executive in March 2005. Following the proposal by the United Kingdom to the 171st session of the Executive Board (171 EX/57) and the recommendations of the Director-General (171 EX/INF.20) accepted by the Executive Board at its 171st session, a further mission was undertaken in May 2005 by the Chief of Hydrological Processes and Climate Section as part of this feasibility study and to prepare a draft agreement regarding the proposed HELP Centre (Annex II). With reference to the legal title for Scotland used in Annex II, the Scotland Act 1998 of the UK Government established the Scottish Executive, the members of which are known as the Scottish Ministers. The Scottish Executive is the Scottish Administration, that is the body which administers the devolved government of Scotland. All legal documents are, however, entered into in the name of the “Scottish Ministers”, and this is the title used in the Statutes (Annex II).

Main Findings. The main findings of these missions were as follows:

- (a) There was ample access to high-level authorities at the Scottish Executive and the University, including meetings with the relevant Scottish Executive government officials (Higher Education, Research and Innovation, International Development), the University of Dundee Principal, Sir Alan Langlands, Vice-Principal David Boxer, University Secretary David Duncan, and Deans and Heads of Department of the University of Dundee water-related disciplines (IWLRI, law, geography, life sciences, engineering). In all cases there was clear support for the creation of the IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee under the auspices of UNESCO.
- (b) Evidence of firm commitment to support the proposed IHP-HELP Centre by the University of Dundee and the Scottish Executive, confirmed by the following:
 - (i) funding (GBP 1 million from the Science Research Investment Fund, jointly funded by the UK Government (DTI) and the Scottish Executive) for new infrastructure to house the proposed IHP-HELP Centre, with three floors of offices for interdisciplinary research on water, providing a flagship to interface the work from the disciplines of physical sciences, engineering, social sciences and water law;
 - (ii) funding (GBP 900,000 from the Scottish Executive (see Article III of Annex II)) for new professorships to be created in water law and water science, with administrative support, to lead the work of the proposed IHP-HELP Centre;
 - (iii) funding (GBP 135,000) for 2.5 full-time water law academics and 0.75 support staff, from the Faculty of Law and Accountancy budget and the University of Dundee Strategic Investment Fund). Established postgraduate degree programme in water law and policy (LLM, MSc, MBA, PhD) and ongoing training programmes and facilities for water lawyers, scientists, technicians and managers.
- (c) Existing legal basis within the University for the establishment of the proposed IHP-HELP Centre as an organ of the University of Dundee, in accordance with the provisions of its Charter (<http://www.somis.dundee.ac.uk/calendar/court/charter.htm>). The Charter provides the legal foundation for the juridical personality of the proposed IHP-HELP Centre, as required for a UNESCO category II centre, in accordance with document 21 C/36 and provided in Article IV of the Annex to the Agreement (Annex II). This was confirmed through discussions with the Principal and Vice Chancellor of the University of Dundee, who indicated that, by following these existing measures additional duplication of bureaucracy would be avoided and enhance the effectiveness of the proposed IHP-HELP Centre.

12. **Request for category II centre to the 171st session of the Executive Board.** In April 2005, at the 171st session of the Executive Board, the Government of the United Kingdom formally submitted to UNESCO a request (171 EX/57) to consider the establishment of the IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee under the auspices of UNESCO, specifically within the category defined in document 21 C/36, section B(ii) (category II), “International and Regional Centre set up by a State with UNESCO’s participation and receiving assistance from it”.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

Overview of the proposal

13. **Proposal details.** The proposal has endeavoured to address in detail the requirements specified in document 21 C/36, “Principles and Guidelines for the Establishment of International and Regional Centres under UNESCO’s Auspices” as well as the criteria presented in documents 165 EX/20 and 171 EX/18, Annex II. Among the most salient aspects are the following:

(a) **Objectives and functions:**

- (i) (1) The proposed IHP-HELP Centre (which is the first of its kind) will act as a global centre to integrate scientific research with water policy and water law, and make use of the global network of 67 HELP basins and all the IHP networks to achieve this objective. Within these broad aims, the objectives of the proposed IHP-HELP Centre are to provide a facility that promotes a unique interdisciplinary approach to addressing global water issues with a focus on poverty reduction and international development issues (including the United Nations Millennium water-related Development Goals), and, including water law (international, national and transnational water law) as an essential and integral part thereof.
- (2) It will provide the intellectual leadership necessary for the achievement of this approach and establish a dedicated institution for the development and dissemination of relevant research and scholarships on the topic, available to the global water-concerned community worldwide and aimed at generating goodwill with the international community. Furthermore, the proposed Centre will communicate legal expertise on global water issues for the HELP Programme of the UNESCO IHP, including proactive interaction with existing Regional Coordinating Units (RCUs):
 - *North America (USA, Mexico and Canada):*
United States Global Change Research Program, Washington, USA
 - *Australia, New Zealand, South Pacific:*
jointly managed by the CSIRO Land and Water, Griffith, Australia and Charles Sturt University, Wagga Wagga, Australia
 - *Latin America and the Caribbean:*
FIMCM-ESPOL, Escuela Superior Politecnica del Litora, Guayaquil, Ecuador

and future HELP Regional Coordinating Units, as well as supporting the other activities of IHP.

In addition, the proposed Centre will also act as the Regional Coordinating Unit for the European HELP basins.

- (ii) (1) The functions of the proposed IHP-HELP Centre shall be to design, develop and deliver educational and training activities consistent with its objectives to integrate water-related research with a particular focus on poverty reduction and international development, including assisting States to achieve the United Nations Millennium Development Goals related to water. The proposed IHP-HELP Centre will convene interdisciplinary symposia and conferences at both 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. In conjunction with its role as Regional Coordinating Unit for the European HELP basins, it will provide a focal point for HELP basins worldwide on issues related to water law and the interface between water law, policy and science issues. To this end, it will also endeavour to establish the Spey Basin (Scotland) as a HELP basin for research and training.
 - (2) It will build upon the IWLRI's and University's existing relationships with research programmes in the United Kingdom, and will act as a liaison point with programmes such as CHASM-HELP (Catchment Hydrology and Sustainable Management), SNIFFER (Scotland and Northern Ireland Forum for Environmental Research); and RELU (Rural Economy and Land Use Programme). New approaches to water resources management will be developed by the proposed HELP Centre so that water law is incorporated as an integral component. It will provide expert input as required by UNESCO IHP, and collaborate proactively with other UNESCO IHP Water Centres, as well as providing a forum for think-tank meetings on water-related topics.
 - (iii) The proposed IHP-HELP Centre shall pursue the above objectives and functions in close coordination with UNESCO IHP, and in particular, the IHP-HELP Programme, existing and future HELP Regional Coordinating Units and HELP basins.
 - (iv) The proposed IHP-HELP Centre shall carry out the above functions to the extent to which resources and international support can be mobilized.
- (b) **Structure and legal status:** The proposed IHP-HELP Centre is defined as “a coordinating and consulting entity using the capabilities of universities, research centres and other governmental and non-governmental organizations in order to implement its activities”. Its structure shall correspond to the framework outlined in the Annex to the Agreement (Annex II) and would involve establishment of the following:
- (i) A Governing Board, in accordance with the UNESCO guidelines set out in document 21 C/36. The Board will be an independent body, its membership comprising of representatives from the following: the Scottish Executive; the Director-General of UNESCO; the University of Dundee; a representative of the Member States wishing to participate in the Centre's activities; a representative from the UK water industry; and any other deserving organization that the Governing Board decides should be represented. An elected Chairperson will

chair the Governing Board. The Board may also appoint a Standing Committee, which will take on such powers as the Board sees fit in order to ensure the smooth functioning of the proposed IHP-HELP Centre.

- (ii) A Secretariat, as is required by UNESCO document 21 C/36. A Director, supported by sufficient staff to ensure the proper functioning of the proposed IHP-HELP Centre, shall head the Secretariat.

In addition, the proposed IHP-HELP Centre will enjoy the necessary legal personality and capacity for the exercise of its functions, as required for UNESCO category II centres and provided for under the University Charter.

- (c) **Financial matters:** The Government agrees to take, in the course of the next five years, all appropriate measures that may be required for the setting up of the proposed IHP-HELP Centre at the University, including the contribution of up to GBP 900,000 (letter from the Scottish Executive, Deputy First Minister and Minister for Enterprise and Lifelong Learning, 2 March 2005, available upon request). The proposed IHP-HELP Centre may require the support of UNESCO for approved activities that could be implemented by the proposed IHP-HELP Centre, it being understood that UNESCO may only contribute financially to concrete activities/projects if these are deemed to be consistent with UNESCO's strategic goals and objectives. UNESCO will not, however, provide direct financial support for administrative or institutional purposes. Furthermore, the proposed IHP-HELP Centre may require the support of UNESCO in securing additional resources from UNESCO Member States and other regional and international organizations.
- (d) **Areas of cooperation with UNESCO:** The cooperation expected from UNESCO once the proposed IHP-HELP Centre is established is as follows:
 - (i) Technical and administrative assistance for the establishment and operation of the proposed IHP-HELP Centre, including assistance in the formulation of the short-term, mid-term and long-term programmes of the proposed IHP-HELP Centre;
 - (ii) Conformity with the relevant policies of the Intergovernmental Council of IHP, UNESCO may contract out to the proposed IHP-HELP Centre the water law, policy and science activities and may provide support within the framework of each regular programme and budget, in particular to reinforce its start-up period. UNESCO may contribute financially to concrete activities/projects if those are deemed in line with UNESCO's programme priorities, although it should not provide financial support for administrative or institutional purposes;
 - (iii) UNESCO will encourage international governmental and non-governmental financial entities, as well as Member States of the Organization to provide financial and technical assistance and to propose appropriate projects to the proposed IHP-HELP Centre. UNESCO will facilitate contacts with other international organizations relevant to the functions of the proposed IHP-HELP Centre;
 - (iv) UNESCO will provide the proposed IHP-HELP Centre with IHP publications and other pertinent materials and shall disseminate information on the activities of the proposed IHP-HELP Centre via the IHP website and other mechanisms at its disposal; and

- (v) UNESCO will participate, when appropriate, in the scientific, technical and training meetings held by the proposed IHP-HELP Centre.

14. **UNESCO/proposed IHP-HELP Centre relationship.** Relationship between the activities of the proposed IHP-HELP Centre and UNESCO's objectives and programmes:

- (a) UNESCO's involvement at the forefront of freshwater science, education and training for the benefit of its Member States represents a long-term commitment. UNESCO has provided, since 1975, the secretariat for IHP, the only water-related scientific and educational programme within the United Nations system.
- (b) UNESCO's Medium-Term Strategy for 2002-2007 establishes in particular two strategic areas, namely:
 - (i) the promotion of participation in the knowledge society through capacity development and the sharing of knowledge – activities, which are at the core of the past and ongoing initiatives of the proposed IHP-HELP Centre;
 - (ii) UNESCO has defined “water and associated ecosystems” as the principal priority of the Natural Sciences Sector for 2002-2007, which includes the objective of pursuing the promotion of scientifically sound policy decisions for the sustainable use of fresh water and supporting ecosystems.

Central to the above areas must be the consideration of appropriate legal and policy frameworks to ensure the effective implementation of such programmes on the ground, with a special focus on poverty reduction and achieving the water-related United Nations MDGs.

- (c) The proposed IHP-HELP Centre will continue with and expand upon the past work of the Dundee IWLRI, and contribute to UNESCO through the following programmes:
 - (i) the **IHP-HELP Programme**, to which Dundee IWLRI was a founding member of HELP, has offered ongoing support on water law and policy-related issues, to assist in the development of 67 HELP basins around the world. This support has included: hosting two HELP-related international symposia in Dundee during its international water law conferences; hosting a meeting of the International Steering Committee of HELP; providing leadership in developing and publishing a HELP book, which analyses the water law and science interface of HELP basins (forthcoming);
 - (ii) **the multi-agency World Water Assessment Programme (WWAP), led by UNESCO**, through the Dundee contribution of expertise on the water law for the PCCP, “Transforming Potential Conflict into Cooperation Potential: The Role of International Water Law” (which is a UNESCO IHP contribution to WWAP), together with support for the development of case studies, the development of intellectual and practical approaches to integrating water law and policy with water science for the effective management of the world's water resources;
 - (iii) **to the International Shared Aquifer Resource Management (ISARM)** through its support on the development of expertise on shared transboundary aquifers. Most recently, the Dundee IWLRI provided expert advice supporting the UNESCO inputs on the report of the United Nations International Law Commission's Special Rapporteur, Ambassador Yamada, on the international law

relating to shared natural resources. Dundee will continue to support this work through expert legal advice on this topic;

- (iv) **to the Water Cooperation Facility initiative, led by UNESCO**, where Dundee IWLRI participates as a founding member of the Universities Partnership on Transboundary Waters;
 - (v) **to the IHP Technical Documents in Hydrology series**, where Dundee recently published its major research report, *Sharing Transboundary Waters – An Integrated Assessment of Equitable Entitlement*, (TDH No. 74) which presents the innovative “Legal Assessment Model”, a tool for States to combine water law and science in a way to develop effective national water strategy and policy, in the context of shared transboundary waters;
 - (vi) **Overall dissemination**, by involving UNESCO in the Universities Partnership Stockholm Meeting (24 August 2005).
- (d) The proposed IHP-HELP Centre is expected to serve as the global facility responsible for the water law, policy and science activities, with proactive outreach to water-related initiatives worldwide, as set out under Article 3 entitled “Objectives and Functions” of the Annex to the Agreement (Annex II).

15. **Regional and international impact of the proposed IHP-HELP Centre:**

- (a) **Coverage:** The proposed IHP-HELP Centre plans to carry out international joint research projects on water law, policy and science issues, in particular with respect to transboundary and national river basins, with a focus on HELP basins, in collaboration with organizations and research institutes around the world. The proposed IHP-HELP Centre also plans to organize training courses for practitioners and researchers from developing countries, and to invite visiting lecturers from outside of Scotland for these training courses. The proposed IHP-HELP Centre plans to work closely with stakeholders around the world to enhance their ability to effectively manage their water resources, with a special focus on the world’s most poor countries. The work of the proposed IHP-HELP Centre will build upon the established reputation of IWLRI including:
 - (i) **Dundee IWLRI postgraduate degree programmes.** The University of Dundee offers postgraduate degrees in International Water Law and Policy (LLM, MSc, MBA, and PhD). It currently works to implement its “Water Law, Water Leaders” executive style Masters Programme, aimed at enhancing local national capacity, through taught courses in water law delivered in-country to meet the needs at the river-basin level, worldwide;
 - (ii) **UK DFID Knowledge and Research Project.** The IWLRI has developed a Legal Assessment Model (LAM), through case studies in China, Palestine and Mozambique, which can assist transboundary watercourse states to develop effective national water policies based on a methodology that interfaces best practices in water law and science. The LAM is available to support nation-states to develop an informed national water strategy by transboundary watercourse states that share waters across national borders. The UK Secretary of State for International Development, the Right Honourable Mr Hilary Benn, provided a letter of support for the proposed Centre dated 20 June 2005;

- (iii) **Multilateral/bilateral donors** (World Bank, bilateral donor projects). The Dundee IWLRI has assisted States around the world in developing their legal frameworks – international, national and transnational – so that they are better able to manage their water resources. A non-exhaustive list of States assisted by Dundee: Azerbaijan, Cambodia, China, Costa-Rica, Ghana, Kazakhstan, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Mozambique, Namibia, Palestine, Uganda, Russian Federation, Swaziland, South Africa, United Republic of Tanzania, Thailand, Uzbekistan, Viet Nam, Zambia, Zimbabwe;
 - (iv) **Private sector.** The IWLRI is actively involved with the private sector in finding ways forward to improve effective water resources management. Dundee has developed and now teaches an innovative postgraduate transnational water law course on “The Role of the Private and Public Sectors in Providing Water Supply and Sanitation”, which looks at current legal regimes for Private-Public Sector Partnerships (PPPs) and examines issues of good governance;
 - (v) **International water law conferences.** IWLRI hosts a regular international water law and policy conference, which attracts world experts on water. The IWLRI has also provided keynote speeches and has participated in conferences around the world and is a global leader on water law issues.
- (b) **Potential impact:** The research results from the proposed IHP-HELP Centre will be applied to capacity development for researchers and professionals, mainly from developing countries. The existing and growing network established by the global activities at the proposed IHP-HELP Centre will become a permanent hub of the future worldwide information networking. The anticipated impact of the proposed IHP-HELP Centre on regional and international scientific and technical cooperation is expected to be significant and supportive of the United Nations “Water for Life” Decade (March 2005-March 2015), and United Nations objectives contained in the MDGs. This expectation is reinforced by the fact that 21 countries expressed strong support to the proposed IHP-HELP Centre at the 16th session of the IHP Intergovernmental Council (20-24 September 2004);
- (c) **Technical cooperation:** The proposed IHP-HELP Centre will cooperate in terms of research, capacity development in-country, and international networking will be required on different scales between different communities, especially with other IHP centres (including IHP-HELP centres and Regional Coordinating Units), UNESCO-IHE (Delft), and other United Nations entities including World Bank, UNECE, UNEP and the UNU.

16. **Results expected from UNESCO’s contribution:**

- (a) **Role of the proposed IHP-HELP Centre in executing the Organization’s programme:** As shown above, the proposed IHP-HELP Centre is in line with UNESCO’s core objectives and offers an effective means of supporting a number of the water activities specified in the IHP-VI and planned IHP-VII.
- (b) **Potential impact of UNESCO’s contribution on the proposed IHP-HELP Centre’s activities: UNESCO’s role:** As a bridge to Member States, United Nations and other international organizations and relevant NGOs, sharing concern for effective water-resources management is essential for the successful establishment and development of the proposed IHP-HELP Centre. It is unlikely that another international organization

could provide this range of support, which is needed in order to maximize its viability. Through the efforts of the proposed IHP-HELP Centre, it is expected that UNESCO would enhance its international reputation and visibility, especially in areas of water law, policy and science and issues linked with poverty reduction.

17. Summary evaluation of the proposal submitted:

- (a) From the previous paragraphs, it is clear that the establishment of the proposed IHP-HELP Centre is consistent with UNESCO's core objectives and programmes and that the proposed IHP-HELP Centre would contribute to the execution of UNESCO's freshwater programme. Further, UNESCO's support is necessary for the proposed IHP-HELP Centre's regional and international development.
- (b) The strong support of the Scottish Executive and the Government of the United Kingdom for the creation of the proposed IHP-HELP Centre is significant, in particular given their commitment to supporting the setting-up of the proposed IHP-HELP Centre. This includes support at the ministerial level from the UK Department for International Development (DFID). Letters of support for the proposed Centre from the Scottish Executive and the UK Government are available upon request.
- (c) Integrated research and work on water law, policy and science is important for the achievement of the United Nations MDGs and the United Nations "Water for Life" Decade and is linked to UNESCO's principal priority programme "water resources and associated ecosystems".
- (d) The proposed institutional structure of the proposed IHP-HELP Centre is compatible with the guidelines of document 21 C/36, and is also cognizant of the Director-General's recent report on possible revised Guidelines for new Centres (171 EX/18).
- (e) UNESCO IHP has lent its technical assistance during the preparatory stage for the creation of the proposed IHP-HELP Centre. Further, UNESCO is confident that it would be able to contract out to the proposed IHP-HELP Centre some of the activities of its programme and have the proposed IHP-HELP Centre contribute to the execution of IHP's programme.
- (f) The risk that UNESCO would incur in the establishment of the proposed IHP-HELP Centre would be low, due primarily to the strong support from the government of Scotland, including providing an appropriate infrastructure, and the strength of the three pillars of the proposed IHP-HELP Centre's activity: research, capacity development and information networking.
- (g) All conditions have been fulfilled and the establishment of the proposed IHP-HELP Centre is thus considered to be feasible.

18. With regard to all legal, managerial and administrative aspects of the proposed centre, a draft agreement is attached (Annex II) that addresses these issues. This draft agreement on the proposed IHP-HELP Centre for Water Law, Policy and Science has been elaborated through a process of consultation between the Government of the United Kingdom, the Scottish Executive and the UNESCO Secretariat.

19. The Director-General welcomes the proposed establishment of the IHP-HELP Centre for Water Law, Policy and Science. He recognizes that the establishment of an international centre under the auspices of UNESCO could only be of benefit to UNESCO, the Government of the

United Kingdom and the Scottish Executive. Furthermore, it would be in line with the strategy for institutes and centres under the auspices of UNESCO (category II) as presented in documents 165 EX/20, 167 EX/16 and 171 EX/18.

Proposed draft decision

20. In the light of the above report, the Executive Board may wish to consider a decision along the following lines:

The Executive Board,

1. Recalling 21 C/Resolution 40.1, 171 EX/Decision 23 and 171 EX/Decision 63,
2. Further recalling paragraphs 29 and 33 of the Science Agenda – Framework for Action adopted by the World Conference on Science in Budapest in June 1999, as well as the decision adopted by the Intergovernmental Council of the International Hydrological Programme (IHP) in June 2002 and endorsed by the IHP Bureau in June 2003,
3. Having noted document 172 EX/15 and its annexes,
4. Having noted Resolution XVI-5 of the 16th IHP-IGC in Annex I,
5. Welcomes the proposal of the Government of the United Kingdom to establish an International Centre on Water Law, Policy and Science under the auspices of UNESCO, which is in line with the principles and guidelines for institutes and centres under the auspices of UNESCO (category II) as outlined in document 171 EX/18 approved by the Executive Board in 171 EX/Decision 23;
6. Recommends to the General Conference at its 33rd session that it approve the establishment of the IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee, Scotland, United Kingdom, as a category II centre under the auspices of UNESCO and authorize the Director-General to sign the Agreement presented in the Annex II to document 172 EX/15.

ANNEX I

RESOLUTION XVI-5

IHP-HELP Centre for Water Law, Policy and Science at the University of Dundee

The Intergovernmental Council of the International Hydrological Programme of UNESCO

- Noting**
- (i) that the effective management of water resources at the local and global levels, consistent with the principles of Integrated Water Resources Management, requires an operational interdisciplinary approach, including water law;
 - (ii) that there is a need for a good legal framework for the effective management of water resources and achievement of the Millennium Development Goals;
- Recognizing** that HELP promotes integrated catchment management through the creation of a framework for water law and policy experts, water resources managers and water scientists to work together on water-related problems;
- Recognizing also**
- (i) that there is a need globally to integrate water law into the work done by regional centres and HELP basins, and in UNESCO IHP programmes, more generally;
 - (ii) that the University of Dundee has created an interdisciplinary research centre on water, interfacing physical sciences, engineering, social sciences and water law;
- Noting with satisfaction** that the International Water Law Research Institute of the University of Dundee has an international reputation of excellence, was one of the founding members of HELP, and continues to provide water law expertise and support for the HELP Programme and basins;
- Noting also** that ancillary to the objectives of this Centre is an opportunity for it to become the Regional Coordinating Unit of HELP for Europe;
- Requests** UNESCO's assistance in preparing the documentation necessary to be submitted to the governing bodies of UNESCO towards the creation of this Centre according to document 21 C/36, section B(ii);
- Invites** Member States and in particular the existing UNESCO network of centres and institutes which address relevant water issues, especially at the regional level, to actively support the proposed Centre and ensure cooperation with the existing regional centres.

ANNEX II

DRAFT AGREEMENT BETWEEN
THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

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 Organization (“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 a 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;

Recognizing 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

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 and financial contribution for the activities of the proposed IHP-HELP Centre in accordance with the strategic goals and objectives of UNESCO.

2. UNESCO, upon the request of the proposed IHP-HELP Centre, shall agree to:
 - provide the assistance of its experts in the specialized 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 latter seems necessary to it.
3. In all the cases listed above, this contribution shall be provided for in UNESCO's programme and budget.

Article III Contribution of the Government

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 Statutes annexed 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 authorized to use the UNESCO logo or a version thereof on its letterheaded paper and documents, such use conditional upon authorization of the UNESCO governing bodies.

Article VI
Duration of the Organization's assistance

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

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

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

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

Done in duplicate at thisday of 2005 in the English language.

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

For the Government
of the United Kingdom

ANNEX

DRAFT STATUTES OF THE PROPOSED IHP-HELP CENTRE

**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, as provided for under these Statutes, 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**

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 Development 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 Programme of the UNESCO IHP, especially through the IHP-HELP Regional Coordinating Units, as well as to support the other water-related activities of 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 mobilized.

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 designated by the Principal;
 - (d) any other intergovernmental, governmental or non-governmental organization 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 IHP-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 organizations, international organizations and other relevant organizations 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

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

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.

Article 8 Adoption and entry into effect

The present Statutes shall come into operation upon the entry into force of the Agreement. Any changes in the Statutes of the Centre shall be adopted by the Governing Board.

Hundred and seventy-second session

172 EX/15 Corr.
PARIS, 25 August 2005
English only

Item 14 of the provisional agenda

**REPORT BY THE DIRECTOR-GENERAL
ON A FEASIBILITY STUDY FOR THE ESTABLISHMENT
OF AN INTERNATIONAL IHP-HELP CENTRE FOR WATER LAW,
POLICY AND SCIENCE AT THE UNIVERSITY OF DUNDEE, SCOTLAND, UK
UNDER THE AUSPICES OF UNESCO**

CORRIGENDUM

English only:

Page 3, paragraph 11, last sentence in first paragraph ends as follows: **“... and this is the title used in Annex II.”**

Page 3, paragraph 11(c), line 6 should read as follows: **“... and provided in Article 2 of the Annex to the Agreement (Annex II).”**

Page 5, Annex II, top of page, delete: “DRAFT STATUTES OF THE PROPOSED IHP-HELP CENTRE”. Title of the Annex to read as follows:

“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”