



International Hydrological Programme

17th session of the Intergovernmental Council
(Paris, 3 – 7 July 2006)

FOLLOW-UP TO RESOLUTION XVI-7 ON THE GOVERNANCE OF IHP

Item 10 of the provisional agenda

SUMMARY

This document is submitted by the Bureau pursuant to Resolution XVI-7. It was prepared with the assistance of the IHP Finance Committee and UNESCO Secretariat. The main focus is to set the basis for the establishment of regional intergovernmental councils as subsidiary bodies to the IHP Intergovernmental Council. A draft resolution is put forward for consideration by the Council. This draft resolution contains draft revised statutes for the International Hydrological Programme.

Decision required: paragraph 17

INTRODUCTION

1. This document has been prepared pursuant to resolution XVI-7 on IHP governance of the International Hydrological Programme in particular the creation of Regional Intergovernmental Councils (RICs) for each of the six UNESCO electoral regions. It has been prepared by the IHP Bureau at the request the IHP Intergovernmental Council, which in resolution XVI-7 instructed the Bureau “to prepare a detailed study and proposal for the establishment of Regional Intergovernmental Councils”.
2. Since the 16th session of the IHP Intergovernmental Council, the IHP Bureau, with the assistance of the IHP Secretariat, the IHP Finance Committee and UNESCO’s Office of International Standards and Legal Affairs, has studied the feasibility of establishing RICs, including the legal and financial consequences. The Bureau has concluded that the establishment of RICs is both financially and legally feasible and that the key step towards their creation would be to amend the IHP Intergovernmental Council Statutes.
3. Consequently, the Bureau has prepared the present document which contains a short background section, the results of consultations regarding the financial and legal consequences of establishing RICs, a proposal for the establishment of RICs including a timeline for the process, and a draft resolution proposing amendments to the statutes of the IHP Intergovernmental Council to enable the creation of RICs.

BACKGROUND

4. Over the past ten years a consensus among the representatives of UNESCO Member States participating in IHP has emerged that a change in IHP’s governance structure is necessary, to allow for a more democratic, bottom-up approach and to take advantage of all elements of IHP’s system. This change in governance also has the support of the Director-General of UNESCO, most recently in his opening speech at the 16th session of the IHP Council (September 2004), when he called on the IHP Intergovernmental Council to come up with a “set of substantial proposals for submission to the Executive Board, analyzing the political context and coming up with a governance mechanism geared to the evolving needs of Member States¹”.
5. In April 2004, the 36th session of the IHP Bureau invited the Chair of the IHP Intergovernmental Council to prepare a “chairperson’s paper” in order to move the process forward. In this paper (document IHP/IC-XVI/11), the chairperson proposed a three-pronged approach to improving IHP’s governance, on the national, regional and international levels in particular through the empowerment of the IHP National Committees and the regional meetings. The Chairperson proposed that at the national level, the functioning of the 166 IHP National Committees should be improved through a review process initiated by

¹ The Director General in the same speech (DG/2004/127) further told Members of the Council: “You have already adopted the principle of all-inclusiveness in planning, implementing and evaluating the Programme. A bold step now needs to be taken with respect to the corresponding structure of governance. It has become clear over the past few years that ad hoc rules that may work in one part of the world do not work in the other parts and do not contribute to closing the gap between developed and developing nations. As water is essentially a regional issue of global importance, we need to find the best way of reinforcing the regional aspects of the Programme while maintaining global coordination.”

Member States with the help of the IHP Secretariat. On the regional level, he proposed the creation of Regional Intergovernmental Councils (RICs), which had been called for by the majority of members of the Council for many years. The RICs would be subsidiary bodies to the IHP Intergovernmental Council. They would be open to all Member States from the region. He proposed that each RIC elect the members of the IHP Intergovernmental Council from its region. The chairperson recommended that, on the international level, all elements of the IHP system be interconnected in a more effective way.

6. In the “Chairperson’s paper”, the Chair of the IHP Intergovernmental Council advocated the creation of RICs through a modification of the statutes of the IHP Intergovernmental Council. The Chairman noted that the regional committees that now exist are not intergovernmental in nature and therefore decisions taken at these regional meetings were not binding for the IHP Intergovernmental Council. The creation of RICs would give more weight to Member States within their regions, taking into account that most water-related issues are dealt with at the regional level. Regional perspectives could then be fed into the IHP Intergovernmental Council. The chairperson further advocated that the RICs determine the membership of the IHP Intergovernmental Council.

7. The IHP Intergovernmental Council reviewed the chairperson’s paper at its 16th session in September 2004 and, in IHP Resolution XVI-7, requested Member States to review the functioning of their IHP National Committees and report back to the Council at its 17th session. The Council decided to consider at its 17th session the establishment of RICs after receipt from the Bureau of the appropriate documents and instructed the Bureau to prepare a detailed study and proposal for the establishment of RICs. Finally, the Council stressed the importance of linking all parts of the IHP system (IHP governing bodies, IHP National Committees, regional and international centres, other partners).

8. The IHP Bureau, at its 38th session (June 2005) reviewed the situation and asked the IHP Secretariat to investigate the financial and legal consequences of establishing RICs in consultation with the IHP Finance Committee and UNESCO’s Legal Affairs Office.

FINANCIAL CONSEQUENCES OF ESTABLISHING RICs

9. The IHP Secretariat met several times with the chairperson of the IHP Finance Committee and reviewed the earlier report prepared by the Finance Committee on this subject². The chairperson of the IHP Finance Committee made an oral presentation to the Bureau at its 39th session in which he concluded that the establishment of RICs would not create significant additional costs to UNESCO as compared to the system of regional meetings that now existed. The Chairperson of the Finance Committee added that, in fact, the expenses for UNESCO would be reduced because Member States would cover the costs of participation, as stipulated in paragraph 2 of Article X of the Statutes of the Intergovernmental Council of IHP.

LEGAL CONSEQUENCES OF ESTABLISHING RICs

10. The IHP Secretariat conducted consultations with UNESCO’s Office of International Standards and Legal Affairs (LA) to review the issue of creating RICs. In order to respond to the IHP Bureau’s request to “investigate the legal consequences of establishing RICs” the IHP Secretariat asked UNESCO’s LA to indicate, *inter alia*:

² see document IHP/Bur-XXV/19 entitled “Report of the IHP Finance Committee”, pages 5-6 and 12.

- a) whether it considered it legally possible to establish RICs (presumably through a change in the Statutes of the Intergovernmental Council of IHP) within IHP to function as subsidiary bodies of the IHP Intergovernmental Council.
- b) whether the election procedure for the IHP Intergovernmental Council could be changed in order for RICs to elect the members of the IHP Council.
- c) what steps UNESCO Member States would have to take in order to establish RICs within IHP's governance structure (e.g. procedure within the Executive Board, the General Conference, change in the Statutes of the Intergovernmental Council of IHP).

11. LA indicated (ref Memo LA/GEN/2006/LC/072) that it considered that it would “not pose any legal problems” for the IHP Intergovernmental Council (“if approved by a majority of members of the Council”) to amend the Statutes in order to allow for the creation of RICs, as subsidiary bodies to the Council composed of all members of the region concerned. LA noted that such a provision could replace Article VI of the existing statutes, which already provides for the establishment of regional committees. LA noted, however, that, in their opinion, “it would not be possible for RICs to designate or elect the members of the Council from their region, since the Council is a subsidiary body of the Conference whose members would have to be elected by the General Conference itself”. LA confirmed that the appropriate procedure for changing the Statutes of IHP would be for the IHP Intergovernmental Council to propose a change in its Statutes to the General Conference of UNESCO. LA recommended that the Executive Board be involved in this process. This memorandum and its conclusions were presented to the IHP Bureau at its 39th session.

PROPOSAL FOR THE CREATION OF RICS

12. The Bureau at its 39th session noted the oral report by the IHP Finance Committee Chair on the financial consequences of establishing RICs and Memo LA/GEN/2006/LC/072 on legal consequences of establishing RICs. The Bureau concluded, based on the results of the consultations by the IHP Secretariat with the IHP Finance Committee and with UNESCO's Office of Legal Affairs (LA), as well as the Bureau's own discussions over the past two years, that the establishment of regional intergovernmental councils would be both financially and legally feasible.

13. Therefore the Bureau proposes that the Statutes of the IHP Intergovernmental Council be amended to allow for the creation of RICs, regional intergovernmental bodies subsidiary to the IHP Intergovernmental Council. RICs would be composed of all Member States from the electoral group region concerned. RICs would reinforce the system of regional committees now in place. Article VI of the Statutes that allows for the creation of regional committees would thus be amended to allow for the creation of RICs. The proposed amendments to the Statutes of the IHP Intergovernmental Council are included in the Annex to the present document.

14. The Bureau proposes that RICs would design, implement and evaluate the regional aspects of IHP, and have in effect the same functions on the regional level as IHP Intergovernmental Council has on a global level. As all the Member States from a particular UNESCO electoral group would be able to participate in RICs, this would ensure that all relevant water-related issues from each electoral group region were addressed by IHP. In addition, as many hydrological and water-related issues are dealt with on a regional level, RICs would provide UNESCO's Member States with an appropriate forum on the regional

level. Further, the RICs would guide and supervise from the scientific and organizational point of view the regional implementation of IHP, including the relevant activities of the regional offices. This has been reflected in Article VI of the statutes.

15. The Bureau further proposes that the RICs be held every two years, in the last semester of odd numbered years before the IHP Intergovernmental Council is held (other options could be considered). RICs would be held before the Council in order for the recommendations of the RICs to be fed into the Council.

16. Additionally, the Bureau feels strongly that RICs should play a role in the selection of the members of the IHP Intergovernmental Council, as well as in the selection of members of the Bureau. This would allow for a more democratic, bottom-up approach to selecting the Members of the IHP Intergovernmental Council. However, UNESCO's Office of International Standards and Legal Affairs (LA) has indicated after further consultations that RICs should not play any role in the selection of Members of the IHP Intergovernmental Council, since the IHP Intergovernmental Council is a subsidiary body of the General Conference and the RICs are subsidiary bodies of the Council. Nevertheless, the Bureau notes that the Statutes of the IHP Intergovernmental Council allow the Council to "make recommendations concerning its own membership to the General Conference" (article II.5). The Bureau proposes that the Council make recommendations to the General Conference regarding its own membership as allowed for under article II.5. The Bureau further is of the view that the Council may make these recommendations based on proposals submitted by the RICs if it sees fit. The General Conference would then elect the members of the IHP Intergovernmental Council, taking into consideration as it sees fit the recommendations received from the IHP Intergovernmental Council.

PROPOSED TIMELINE FOR THE ESTABLISHMENT OF RICs

17. Taking all of the above into account, the Bureau submits the draft resolution contained in the Annex for consideration by the Council. If this resolution is approved the Council, it would be forwarded for approval to the 34th session of the General Conference. Once approval by the general conference has been given, the Bureau would then prepare, for consideration by the 18th session of the IHP Council (July 2008), draft rules of procedure for the RICs. The 18th session of the Council would then review and approve (with any necessary amendments) the rules of procedure after which Member States would be invited to become members of the RIC from their region. The first meetings of RICs would then be held in 2010.

ANNEX

**Draft resolution concerning the creation of
Regional Intergovernmental Councils
within the International Hydrological Programme**

The Intergovernmental Council of the International Hydrological Programme of UNESCO

- Reiterating** The need to adapt and modernize the governance of the International Hydrological Programme, in order to allow for full participation of all Member States and to accommodate changing circumstances since the creation of the programme over thirty years ago,
- Recalling** The clearly expressed will of the IHP Council to establish, if feasible, regional intergovernmental councils, and **recalling** in particular Resolution XVI-7 by which the Council decided to consider, at its 17th session, the establishment of such councils and instructed the Bureau to prepare a detailed study and proposal for consideration by the 18th session,
- Underlining** That the Council has at past sessions expressed its wish that these regional intergovernmental councils be subsidiary bodies to the IHP Intergovernmental Council and would be open to all Member States from the region concerned,
- Taking into account** The view of the IHP Bureau that the establishment of regional intergovernmental councils within the IHP is both legally and financially feasible,
- Acknowledging** That amending the Statutes of the IHP would be necessary to allow the creation of such regional intergovernmental councils,
- Agrees** That the Statutes of the IHP should be modified as indicated in the annex to this resolution, and authorizes the Bureau to fine-tune these modifications as necessary, in consultation with the Secretariat,
- Asks** That these draft revised statutes for the creation of regional intergovernmental councils within the IHP be submitted for approval to the 34th session of the UNESCO General Conference
- Requests** UNESCO's assistance in preparing the documentation necessary for submission of draft revised statutes to the General Conference,
- Strongly recommends** That the UNESCO General Conference approve the draft revised Statutes of the IHP,

Instructs

The Bureau, once the General Conference has approved the change in the IHP Statutes, to prepare draft rules of procedure for the regional intergovernmental councils for consideration at its 18th session.

Invites

The Director-General to include reference to the regional intergovernmental councils within the draft programme and budget for 2008-2009 as well as the draft Medium Term Strategy for 2008-2013.

ATTACHMENT TO ANNEX

**Draft revised statutes of the Intergovernmental Council
of the International Hydrological Programme³**

Article I

An Intergovernmental Council of the International Hydrological Programme is hereby established within the United Nations Educational, Scientific and Cultural Organization.

Article II

1. The Council shall be composed of 36 Member States of the United Nations Educational, Scientific and Cultural Organization elected by the General Conference at its ordinary sessions, taking due account of the need to ensure equitable geographical distribution and appropriate rotation of the representatives of these States from the hydrological viewpoint in the various continents and of the importance of their scientific contribution to the Programme.
2. The term of office of the members of the Council shall begin at the close of the ordinary session of the General Conference at which they are elected and shall expire at the close of the second ordinary session of the Conference following it.
3. Notwithstanding the provisions of paragraph 2 above, the term of office of one half of the members designated at the first election shall expire at the close of the first ordinary session of the General Conference following the session at which they were elected. The names of these members shall be drawn by lot after the first election by the President of the General Conference, it being understood that the outgoing members shall be replaced by members belonging to the same regional group.
4. Members of the Council shall be immediately eligible for re-election.
5. The Council may make recommendations concerning its own membership to the General Conference.
6. The persons appointed by the Member States as their representatives on the Council shall preferably be experts in the field covered by the Programme and chosen among those persons who are playing a major part in the implementation of the activities related to the Programme in the said Member States.

Article III

1. The Council shall be responsible, within UNESCO's field of competence, for planning the International Hydrological Programme, defining its priorities and supervising its execution and in particular for:

³ Approved by the General Conference of UNESCO at its eighteenth session and amended at its twentieth, twenty-first, twenty-third, twenty-seventh and twenty-eighth sessions. **Proposed new text in bold. Text to be removed has been struck through.**

- (a) guiding and supervising from the scientific and from the organizational point of view the implementation of the programme, ~~including the relevant activities of the Regional Offices;~~
 - (b) studying proposals concerning developments and modifications of the Programme and also plans for its implementation;
 - (c) recommending scientific projects of interest to Member States and assessing priorities among such projects;
 - (d) co-ordinating international co-operation of the Member States in the framework of the programme;
 - (e) making any necessary proposals for co-ordinating the Programme with those conducted by all the international organizations concerned;
 - (f) assisting in the development of regional and national projects related to the Programme;
 - (g) taking any practical or scientific measures that may be required for the successful implementation of the programme.
2. In performing its functions the Council shall rely as much as possible on the activities of the National Committees established by Member States in accordance with the recommendation contained in paragraph 6 of resolution 18 C/2.232 and foster by all means their active participation on the Programme.
 3. The Council shall make full use of facilities offered by the agreements or working arrangements between UNESCO and other inter-governmental organizations mentioned in Article VIII, paragraph 2 below.
 4. The Council may consult on scientific questions all appropriate international non-governmental organizations with which UNESCO maintains official relations.

The International Council of Scientific Unions, its unions and associations, may give advice to the Council on questions of a scientific or technical nature.
 5. The Council shall, whenever possible, attempt to co-ordinate the International Hydrological Programme with other international scientific programmes, in particular those of UNESCO.

Article IV

1. The Council shall normally meet in plenary session once every two years. Extraordinary sessions may be convened under the conditions specified in the Rules of Procedure.
2. Each Council member shall have one vote, but it may send as many experts or advisers as it deems necessary to sessions of the Council.
3. The Council shall adopt its own Rules of Procedure.

Article V

1. The Council may establish committees to examine the implementation of certain major orientations of the Programme and to prepare appropriate recommendations to the Council. Such committees may include Member States of UNESCO which are not represented in the Council.
2. The Council shall define the terms of reference and tenure of each committee thus established.
3. The Council may establish working groups of specialists to examine specific projects. These working groups, whose members shall serve in a personal capacity, may include nationals of Member States of UNESCO which are not represented on the Council.
4. In the composition of committees and working groups appropriate geographical distribution and adequate representation of regions where the problems occur might be sought.

Article VI

- ~~1. Regional committees may be established on the initiative of and by mutual agreement among Member States of the same region sharing a common hydrological interest.~~
- ~~2. The Council shall extend all possible assistance and help to regional committees thus established.~~
- 1. The Council shall establish Regional Intergovernmental Councils in the UNESCO electoral groups to act as regional subsidiary bodies to the Council. Regional Intergovernmental Councils would be composed of all Member States from a UNESCO electoral group wishing to participate in the activities of IHP in the region.**
- 2. RICs shall act as regional subsidiary bodies to the IHP Intergovernmental Council and as such shall design, implement and evaluate regional aspects of IHP and its programmes, including the relevant activities of the Regional Offices, and make recommendations in this regard to the IHP Intergovernmental Council.**
- 3. The Council, its Bureau and its Secretariat shall extend all possible assistance and help to Regional Intergovernmental Councils thus established.**
- 4. The Council shall adopt rules of procedure for Regional Intergovernmental Councils which shall apply to all six Regional Intergovernmental Councils.**
- 5. Regional Intergovernmental Councils shall normally meet in plenary session once every two years, in years when the Council does not meet [other options could be considered] . Extraordinary sessions may be convened under the conditions specified in the rules of procedure of Regional Intergovernmental Councils.**
- 6. Each Regional Intergovernmental Council member shall have one vote, but it may send as many experts or advisers as it deems necessary to sessions of the Regional Intergovernmental Councils.**

Article VII

1. At the beginning of its first session following a session of the General Conference at which elections to the Council have been held, the Council shall elect a chairperson and four vice-chairpersons. These, with the chairperson of the previous Bureau, who shall be an *ex-officio* member, shall constitute the Council's Bureau. The composition of the Bureau so formed shall reflect an equitable geographical distribution. The members of the Bureau who are representatives of Member States of UNESCO shall remain in office until a new Bureau has been elected.
2. The Bureau shall discharge the following duties:
 - (a) fix, in consultation with the Secretariat, the dates of the Sessions of the Council and of its committees and working groups, in accordance with the general guidelines of the Council;
 - (b) prepare the sessions of the Council, in consultation with the Secretariat;
 - (c) supervise the implementation of the resolutions of the Council, and report at each session of the Council, on the status of implementation of the prescribed phases of project execution and, in particular, follow the activities of the Council's committees and working groups;
 - (d) prepare for the Council all reports requested by the General Conference of UNESCO;
 - (f) discharge all other duties which it may be assigned by the Council.
3. Meetings of the Bureau may be convened between meetings of the Council at the request of the Council itself, of the Director-General of UNESCO or of a Bureau member.

Article VIII

1. Representatives of Member States and Associate Members of UNESCO which are not members of the Council, may attend, as observers, without the right to vote, all meetings of the Council, of its committees and of its working groups, **as well as meetings of the Regional Intergovernmental Councils.**
2. Representatives of the United Nations, United Nations Educational, Scientific and Cultural Organization, the Food and Agricultural Organization of the United Nations, the World Health Organization, the World Meteorological Organization and the International Atomic Energy Agency may take part, without the right to vote, in all meetings of the Council, of its committees and of its working groups, **as well as meetings of the Regional Intergovernmental Councils.**
3. Representatives of the International Council **for Science** ~~of Scientific Unions, of its Committee on Water Research~~ and of its affiliated International Association of the Hydrological Sciences and International Association of Hydrogeologists, of the International Association for of Hydraulic **Engineering and** Research, of the International Commission on Irrigation and Drainage, the International Commission of Large Dams and of the International Water Resources Association may take part, without the right to

vote, in all meetings of the Council, of its committees and of its working groups, **as well as meetings of the Regional Intergovernmental Councils.**

4. The Council shall determine the conditions under which other international governmental or non-governmental organizations may be invited to attend its meetings, without the right to vote, whenever questions of common interest are discussed.

Article IX

1. The Secretariat of the Council shall be provided by the Director-General of United Nations Educational, Scientific and Cultural Organization, who shall place at the Council's disposal the staff and other means required for its operation.
2. The Secretariat shall provide the necessary services for all sessions of the Council and meetings of its Bureau, committees and working groups, **as well as for sessions of the Regional Intergovernmental Councils.**
3. The Secretariat shall take any measures required in order to co-ordinate the execution of the international programmes recommended by the Council, it shall take all steps required to convene the sessions of the Council.
4. The Secretariat shall assemble all proposals sent in by members of the Council, other Member States of UNESCO and the international organizations concerned, with regard to the formulation of international projects under the Programme, and shall prepare them for examination by the Council. It shall maintain liaison with the National Committees referred to in Article III, paragraph 2 above, and inform them of the Council's recommendations.
5. In addition to the services which it renders to the Council, the Secretariat shall co-operate closely with the respective secretariats of the international governmental and non-governmental organizations mentioned in Article VIII, paragraphs 2 and 3, above; it shall for this purpose take part in inter-secretariat co-ordination meetings as necessary.

Article X

1. The international programmes of hydrological investigations recommended by the Council to Member States for concerted action on their part shall be financed by the participating Member States according to the commitments which each state is willing to make. The Council may, however make recommendations to the United Nations Educational, Scientific and Cultural Organization and to the other organizations mentioned in Article VIII, paragraph 2, above, concerning assistance to Member States for the development of hydrological research or the implementation of some particular aspects of the Programme. If UNESCO and the said organizations accept such activities and if the Member States concerned signify their agreement, these organizations shall undertake to finance the related activities in accordance with the provisions of their respective constitutions and regulations.
2. Member States shall bear the expense of participation of their representatives in sessions of the Council, its committees, **and in sessions of the Regional Intergovernmental Councils.** The running expenses of the Council and its subsidiary organs shall be financed from funds appropriated for this purpose by the General Conference of UNESCO.

3. Voluntary contributions may be accepted and established as trust funds in accordance with the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization and administered by the Director-General of that Organization. The Council shall make recommendations to the Director-General on the allocation of such contributions for international projects within the Programme.

Article XI

1. The Council shall submit reports on its activities to the General Conference of UNESCO at each of its ordinary sessions. These reports shall also be communicated to the other international organizations mentioned in Article VIII, paragraphs 2 and 3, above, and to all National Committees for the International Hydrological Programme.
2. The Council may receive from other international organizations reports concerning the Programme.