

**Operational Agreement  
(Second Renewal)**

**between**

**The Director-General of the United Nations Educational,  
Scientific and Cultural Organization (UNESCO)**

**and**

**The Minister of Education, Culture and Science  
of the Government of the Netherlands**

UNESCO Headquarters  
Paris, 18 December 2013

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## Operational Agreement (Second Renewal)

between

The Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO)

and The Minister of Education, Culture and Science of the Government of the Netherlands  
(hereinafter referred to as "the Minister")

Ms Irina Bokova

Ms Jet Bussemaker

WHEREAS the UNESCO General Conference approved, during its 31<sup>st</sup> session on 2 November 2001, the creation of the UNESCO-IHE Institute for Water Education (hereinafter referred to as "UNESCO-IHE Institute"), and has taken note of the Director-General's report on the establishment of the UNESCO-IHE Institute and its annexes, which included the Statutes of the UNESCO-IHE Institute as set forth in document 31 C/47;

WHEREAS the mandate of the UNESCO-IHE Institute is described under Article III of its Statutes, document 31 C/47, dated 21 August 2001, as taken note of by the General Conference on 2 November 2001;

WHEREAS the operational, administrative and legal aspects of the UNESCO-IHE Institute, including its relations with the Foundation, are described in the Statutes of the UNESCO-IHE Institute and in the Cooperation Agreement between the Foundation and UNESCO;

WHEREAS UNESCO and the Government of the Netherlands signed an interim Operational Agreement for UNESCO-IHE on 30 April 2008, for the period 1 May to 31 August 2008;

WHEREAS UNESCO and the Government of the Netherlands signed a renewal for the Operational Agreement, called Operational Agreement (First renewal) on 14 August 2008, for the period 1 September 2008 to 31 December 2013;

RECALLING the success that the Institute has demonstrated in its first ten years of operation as a UNESCO Category I Institute, as well as the commitment of both UNESCO and the Government of the Netherlands to assisting the Institute in reaching those goals;

WHEREAS Article XIII of the Statutes requires the signing of an Operational Agreement so that the UNESCO-IHE Institute may continue to operate;

The Director-General and the Minister hereby consent to the following:

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## Article 1

- 1.1 The Minister confirms that, for the period 1 January 2014 to 31 December 2016, the Netherlands Ministry of Education, Culture and Science will allocate Euro 10.1 million per year, with the usual reservation of approval by Parliament in the Netherlands, which shall be indexed annually for inflation provided the Government designates that an inflation factor is granted.
- 1.2 At the end of 2015, UNESCO and the Ministry of Education, Culture and Science shall begin consultations on the funding of the Institute for 2017 and 2018, which will be subject to an evaluation early in 2016 of the Institute's performance in education, research and valorization of knowledge in assisting developing countries and countries in transition. The results of the evaluation and the related funding decision will be conveyed to UNESCO before 1 July 2016. This funding decision will be contingent upon Parliamentary approval, which can be expected in the autumn of 2016.
- 1.3 The Ministry has informed both the Institute and the Foundation that the annual grant, as noted above, will be routed through the Technical University of Delft, under the following conditions:
  - (i) It will be forwarded to the Foundation in a lump-sum payment without any conditions attached by the University.
  - (ii) The amount of the grant will not be affected by any budgetary restrictions affecting the University.
  - (iii) The routing will not impact the ability of the Director of the Institute to interact with and report directly to officials of the Government of the Netherlands.
  - (iv) No reporting or justification of how the funds were expended will be required by the University.

## Article 2

- 2.1 The Minister will instruct the Foundation to use the contribution mentioned in Article 1 above in the manner agreed upon in the Cooperation Agreement (Second Renewal) between the Institute and the Foundation. The Minister will lay down this instruction in the yearly subsidy letter from the Minister to the Foundation.
- 2.2 The Signatories certify that the Board of Governors of the Foundation will remain solely and fully accountable for the use of the funds granted to the Foundation by the Minister as institutional support for the UNESCO-IHE Institute. The Signatories further certify that any agreement between UNESCO, the UNESCO-IHE Institute and the Foundation does not limit the accountability and responsibility of the Board of Governors of the Foundation to the Minister for the use of funds that the Minister makes available to the Foundation.

### Article 3

The Director-General and the Minister will, from time to time and at the request of either signatory or the Foundation, exchange views through their representatives and the representative from the Foundation on all matters arising out of this Operational Agreement (Second Renewal), notably with regard to the financial stability of the Institute. The responsible services for coordinating all matters related to this Operational Agreement (Second Renewal) and the exchange of views are:

for the Director-General:

- the Division of Water Sciences of the Natural Sciences Sector of UNESCO.

for the Minister:

- the Directorate for University Education of the Ministry of Education, Culture and Science of the Kingdom of the Netherlands.

### Article 4

If any dispute which cannot be resolved amicably arises between the Signatories, as to the interpretation, application or performance of this Agreement, either Signatory may invite the other to conciliate the dispute under the Permanent Court of Arbitration Optional Conciliation Rules, as in effect on the date this Agreement was signed. The number of conciliators will be one.

### Article 5

This Operational Agreement (Second Renewal) will enter into operation on 1 January 2014, provided that the Cooperation Agreement (Second Renewal) has entered into force by that date. If this is not the case, the Operational Agreement (Second Renewal) will enter into force on the same date as the Cooperation Agreement (Second Renewal). It will remain in force until 31 December 2016 unless the Netherlands Parliament fails to approve one or more of the annual allocations of at least Euro 10.1 million for 2014, 2015, and/or 2016, in which case this Agreement shall automatically terminate on the first day of the year for which no allocation was approved.

This Agreement will be extended for additional periods of up to two years in total, i.e. up to the end of December 2018, if the following conditions are met:

- a) additional funding from the Government has been transferred in accordance with the provisions of Article 1, paragraph 1.3 above, before the end of December 2016, the amount of which is at least equal *per annum* to the funding provided *per annum* by the Government from 2014 to 2016; and,
- b) the outcome of the evaluation referred to in Article 1 paragraph 1.2 is positive; and,
- c) the UNESCO General Conference has authorized the Director-General to extend the Agreement to the end of 2017 and/or 2018; and,

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- d) the Director-General of UNESCO has determined that UNESCO-IHE has reached full compliance with the regulations and rules of UNESCO, including those which relate to UNESCO Category 1 Institutes, as agreed in the Statutes of the UNESCO-IHE Institute for Water Education, acknowledging the full extrabudgetary status with regard to funding.

In case one of these criteria is not met, the Agreement will automatically terminate at the end of December 2016 or, if the Agreement were to be extended on the basis of additional funding, it would terminate at the end of December of the year for which the required funding has been received in accordance with the conditions foreseen above, up to a maximum of the end of 2018. At the time of termination of the Agreement, UNESCO-IHE shall no longer have any legal existence.

Upon its entry into force this Operational Agreement (Second Renewal) supersedes the previous Operational Agreement between the Parties.

Done in two original copies, in the English language.

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

For the Minister of Education, Culture and  
Science of the Kingdom of the  
Netherlands:



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Ms Irina Bokova  
Director-General



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Mr Robert Zeldenrust  
Ambassador, Permanent Delegate of the  
Kingdom of the Netherlands to UNESCO