

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2002 Nr. 93

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A. TITEL

*Memorandum van overeenstemming inzake de oprichting van de  
Organisatie van het Mondiaal Partnerschap voor Water, met bijlagen;  
Stockholm, 9 december 2001*

B. TEKST<sup>1)</sup>

**Memorandum of Understanding on the Establishment of the  
Global Water Partnership Organisation**

Preamble

The Parties signatory hereto,

Noting that the Global Water Partnership Network is a Network without legal personality which links interested Partners from the public sector, the private sector, and civil society concerned with water affairs around the world,

Wishing to support and work with the Network in its fulfilment of its objective while retaining the flexible and pragmatic character of the operation of the Network,

Having been invited to form an organisation for the purpose of supporting the Network,

Have agreed as follows:

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<sup>1)</sup> Het voor eensluidend gewaarmerkt afschrift van het Memorandum van overeenstemming is nog niet ontvangen. In de hierna volgende tekst kunnen derhalve onjuistheden voorkomen, die in een volgend Tractatenblad zullen worden gecorrigeerd.

## Article I

*Establishment*

1. The Parties to this Agreement hereby establish the Global Water Partnership Organisation as an Intergovernmental Organisation.

2. The Parties hereby accept the Statutes for the Global Water Partnership Network and the Global Water Partnership Organisation. These Statutes are attached as Annex 1 to this Agreement and form an integral part of this Agreement.

3. The Parties to this Agreement are hereby designated as Sponsoring Partners of the Global Water Partnership Organisation, as provided in the Statutes.

## Article II

*Withdrawal*

A Party to this Agreement may withdraw from it, thereby also withdrawing from membership of the Organisation. Such withdrawal shall become effective three months after the date on which this has been notified to the Depositary referred to in Article 20 of the Statutes. Upon withdrawal such Party shall cease to be a Sponsoring Partner of the Organisation.

## Article III

*Accession*

A State or an Intergovernmental Organisation may at any time notify the Depositary of its request to accede to this Agreement. If the request is approved by a Meeting of the Sponsoring Partners held in accordance with the Statutes, the Agreement will enter into force for that State or Intergovernmental Organisation thirty days after the date of the deposit of its instrument of accession.

## Article IV

*Amendments*

Any amendment to the Statutes for the Global Water Partnership Network and the Global Water Partnership Organisation shall be adopted in accordance with the procedure provided for in Article 17 of the Statutes. Provided that the amendment has been adopted by the Network Meeting, it shall enter into force one year after the decision of the Meeting of the Sponsoring Partners to adopt the amendment, unless one third of

the Sponsoring Partners within nine months of the said decision notify the Depositary of their objection to the amendment. The Depositary shall inform the Partners and the Sponsoring Partners of the date of entry into force of the amendment or of the fact that the amendment will not enter into force, as may be the case.

#### Article V

##### *Entry into force*

1. This Agreement shall be open for signature by the States and Intergovernmental Organisation listed in Annex 2, having been invited by the Swedish Government, in consultation with the presiding Chair of the Global Water Partnership Network, to sign this Agreement, until 31 March 2002.

2. This Agreement shall enter into force on the day upon which at least three signatories as referred to in paragraph 1 of this Article, including two States, have provided the Depositary with notification that the formalities required by their national legislation or their governing statutes have been completed.

3. After the entry into force of this Agreement, any State and Intergovernmental Organisation, referred to in paragraph 1, shall become a Party to it immediately after receipt by the Depositary of notification that the formalities required by their national legislation or their governing statutes have been completed.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto, have signed a copy of this Agreement in the English language, which shall be deposited with the Depositary, who shall send certified copies thereof to all signatories.

This Agreement has been opened for signature in Stockholm on 9 December 2001.

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Het Memorandum van overeenstemming is ondertekend voor de volgende staten:

het Koninkrijk der Nederlanden . . . . . 21 maart 2002

## **Statutes for the Global Water Partnership Network and the Global Water Partnership Organisation**

### Article 1

#### *Legal status*

1. These Statutes regulate the functions and organisation of the Global Water Partnership Network (the Network) and of the Global Water Partnership Organisation (the Organisation), and the relation between the two.

2. The Network does not have legal personality.

3. The Organisation shall possess full legal personality under international law and enjoy such capacities as may be necessary to exercise its functions in the fulfilment of the objective set out in Article 2. Its status under the national law of the Host State of the Secretariat will be provided in a Headquarters Agreement between that State and the Organisation.

### Article 2

#### *Objectives*

1. The objective of the Network is to develop and promote the principles of integrated water resources management and to that end:

- a) Identify critical needs and stimulate Partners to meet such needs within their available human and financial resources;
- b) Support action at national, regional, local or river-basin level that will lead to the adoption and implementation of the principles of integrated water resources management;
- c) Help match needs to available resources;
- d) Strengthen mechanisms for sharing information and experience.

2. The objective of the Organisation is to support and work with the Network in the fulfilment of its objective.

### Article 3

#### *Partners of the Network*

1. Any entity, except individuals, may become a Partner of the Network. Partners of the Network may include States, national, regional and local Governmental Institutions, Intergovernmental Organisations, international and national Non-Governmental Organisations, Academic Institutions and Research Institutions, Companies, and service providers in the public sector.

2. Any entity of the character referred to in paragraph 1 of this Article, which recognises the principles of integrated water resources management endorsed by the Network and is committed to implement these principles, may become a Partner of the Network, subject to a decision by the Executive Secretary.

3. The Network provides a Partner with:

- a) A channel through which to establish contact with other Partners;
- b) Guidance on identifying critical needs;
- c) An opportunity to match one Partner's needs with another Partner's resources;
- d) An opportunity to contribute to the development of the concept of integrated water resources management.

4. A Partner shall:

- a) Co-ordinate its relevant activities with those of other concerned organisations;
- b) Share information and experience freely with the other Partners;
- c) Give advice and professional contributions to the Network, the Organisation and to other Partners, on such conditions as may be agreed free of charge up to a reasonable level and at a mutually agreed charge above that level.

5. A Partner may present itself as "Partner of the Global Water Partnership".

#### Article 4

##### *Sponsoring Partners of the Organisation*

1. Members of the Organisation are called Sponsoring Partners.

2. States and Intergovernmental Organisations, which are Partners of the Network and which have been invited to sign the Memorandum of Understanding on the Establishment of the Global Water Partnership Organisation, and have become Parties to that agreement in accordance with Article I thereof, are original Sponsoring Partners.

3. Other States and Intergovernmental Organisations may become Sponsoring Partners, subject to a decision by the Annual Meeting of the Sponsoring Partners and after accession to the Memorandum of Understanding on the Establishment of the Global Water Partnership Organisation. Such membership is open to:

- a) Other States, which are Partners of the Network and have a record of support for the objective of the Network;
- b) Other Intergovernmental Organisations, which are Partners of the Network, have a global role in water affairs, and have a record of support for the objective of the Network.

4. The membership as a Sponsoring Partner of the Organisation does not affect the status of a State or Intergovernmental Organisation as a Partner of the Network.

## Article 5

*General provision on organic structure*

1. The Network is a network of interested Partners, from the public sector, the private sector, and civil society, concerned with water affairs around the world. The Network operates through co-operation with Partners and through the Network Meeting and any groups and committees established by it. It further operates through relations with accredited Regional Water Partnerships, Regional Technical Committees and Country Water Partnerships, and other separate co-operating entities that have been given a role in the Network in accordance with these Statutes.

2. The Organisation consists of the Meeting of the Sponsoring Partners, the Chair, the Steering Committee, the Nomination Committee, the Executive Secretary, the Secretariat and such other organs that the Steering Committee may decide to establish in accordance with these Statutes.

3. The Network and its operations are managed by the Chair, the Executive Committee and other organs of the Organisation as well as by the Network Meeting, as provided for in these Statutes. Other entities operating wit or within the Network are not parts of the Organisation.

## Article 6

*The Global Water Partnership Chair*

1. The Global Water Partnership Chair (the Chair) is the head and spokesperson for the Network as well as the Organisation. The Chair represents the Network and the Organisation in all forums, and chairs the Network Meeting and the meetings of the Steering Committee.

2. The Chair shall be appointed by the Annual Meeting of the Sponsoring Partners for a period that shall not exceed three years, which may be subject to renewal.

3. The Chair shall serve in her or his personal capacity.

## Article 7

*The Steering Committee*

1. The executive body of the Organisation is the Steering Committee. The Steering Committee develops, steers and organises the work of the Organisation and guides the co-operation between the Partners within the Network. The Steering Committee shall facilitate for the Network to attain its objective and shall implement the strategic directions and policies adopted by the Network Meeting.

2. The Steering Committee shall consist of a minimum of eleven and a maximum of twenty-one members, as decided by the Meeting of the Sponsoring Partners. The Steering Committee shall include, as ex officio members, the Chair, the Executive Secretary, one representative of the United Nations Sub-Committee on Water Resources, one member representing all Regional Water Partnerships and Regional Technical Committees, and the Chair of the Technical Committee.

3. The non-ex officio members of the Steering Committee shall be appointed by the Annual Meeting of the Sponsoring Partners for a period that shall not exceed three years, which may be subject to renewal one time. The terms of the first members shall be staggered in order to establish gradual rotation of membership.

4. Members of the Steering Committee shall serve in their personal capacity.

5. The Steering Committee shall meet at least twice a year on the convocation of the Chair. Observers may be invited to the meetings of the Steering Committee.

6. The Steering Committee may hold meetings through distant communication, in accordance with such procedures as it decides.

7. The Steering Committee shall:

a) Develop the policy of the Network and the work of the Organisation in support of the Network, taking into account the strategic directions and policies adopted by the Network Meeting;

b) Create and appoint a Technical Committee, taking due account of the Technical Committee of the Network, functional prior to the entry into force of these Statutes;

c) Create and appoint such other committees or groups as it finds necessary for the performance of its functions, which may include members of the Steering Committee and other individuals as appropriate;

d) Issue by-laws, work-plans, budgets and instructions for the Organisation and for groups and committees that have been established by it;

e) Review the work of the committees and groups that have been established by it;

f) Decide on proposals and recommendations from such committees and groups, unless such proposals must be submitted to the Network Meeting or the Meeting of the Sponsoring Partners;

g) Appoint the members of the Nomination Committee, taking into account this Committee's task to find candidates which reflect a balance in terms of professional background, geographical representation, gender and level of development of the person's home State;

h) Decide on recruitment, appointment and removal of the Executive Secretary;

i) Recommend new Sponsoring Partners to be approved by the Meeting of the Sponsoring Partners;

j) Supervise that Partners respect the principles of the Network and recommend to the Network Meeting the expulsion of a Partner in case of a violation of these principles;

k) If necessary, recommend amendments to these Statutes in accordance with Article 17;

l) Establish links with and accredit Regional Water Partnerships, Regional Technical Committees and Country Water Partnerships, and authorise such and other entities to use the name “Global Water Partnership” as part of their name or in a similar manner to indicate stronger links than normal partnership;

m) Convene the Network Meeting in accordance with these Statutes;

n) Convene the Meeting of the Sponsoring Partners in accordance with these Statutes;

o) Present a yearly activity report to the Partners and the Sponsoring Partners;

p) Present a yearly financial statement to the Partners for information and to the Sponsoring Partners for approval at the Meeting of Sponsoring Partners;

q) Comment on and distribute the audit report or reports to the Partners and to the Meeting of Sponsoring Partners.

8. Decisions of the Steering Committee shall be taken by simple majority. Decisions require the presence of at least half of the members plus one, when taken at a meeting, and require participation of three-quarters of the members when taken through distant communication.

9. Decisions of the Steering Committee shall be based on available financial and human resources within the Organisation and shall take into consideration the need to safeguard the efficient use of these resources.

## Article 8

### *The Nomination Committee*

1. The Nomination Committee shall consist of five or seven members, as decided by the Steering Committee.

2. The members of the Nomination Committee shall be appointed by the Steering Committee for a period that shall not exceed three years, which may be subject to renewal one time. The terms of the first members shall be staggered in order to establish gradual rotation of membership.

3. The members of the Nomination Committee shall serve in their personal capacity.

4. The Nomination Committee shall:

a) Nominate the Chair for appointment by the Meeting of the Sponsoring Partners;



- b) After consultation with the Partners, nominate members of the Steering Committee for appointment by the Meeting of the Sponsoring Partners;
  - c) Nominate External Auditors for appointment by the Meeting of the Sponsoring Partners;
  - d) Nominate representatives of the Partners as Internal Auditors, if so requested by at least ten Partners from five different countries at the Network Meeting.
5. The nominations shall be presented to the Partners at least three months before the Annual Meeting of the Sponsoring Partners. In order to receive widest possible support from the Partners, the Nomination Committee shall be prepared to modify its nominations in the light of comments by Partners. Nominations and relevant comments from Partners shall be presented to the Sponsoring Partners one month before the Annual Meeting when the appointments shall be made.
6. Decisions of the Nomination Committee shall be taken by consensus. If consensus cannot be reached, a decision shall require two-thirds majority of the Members of the Committee.
7. The Nomination Committee shall be able to operate through distant communication.

#### Article 9

##### *The Network Meeting*

1. The Partners shall hold an Annual Network Meeting on the convocation of the Steering Committee, unless otherwise decided. An extraordinary Network Meeting shall be convened:
- a) When the Steering Committee finds it necessary;
  - b) Upon the request of one fifth of the Partners.
2. At the Annual Network Meeting the Partners shall:
- a) Adopt the strategic directions and policies for the Network;
  - b) Recommend action to be taken by the Steering Committee on the basis of the adopted strategic directions and policies;
  - c) Comment on the yearly activity report and the yearly financial statement of the Steering Committee;
  - d) Consider and decide on the expulsion of Partners from the Network, after recommendation of the Steering Committee.
3. The Network Meeting shall be governed by rules proposed by the Steering Committee and adopted by the Network Meeting.

#### Article 10

##### *The Meeting of the Sponsoring Partners*

1. The Sponsoring Partners shall hold an Annual Meeting as notified by the Steering Committee. An extraordinary meeting of the Sponsoring Partners shall be held:

- a) When the Steering Committee finds it necessary;
- b) Upon the request of one third of the Sponsoring Partners.

2. The Sponsoring Partners may hold the Annual Meeting or extraordinary meetings through distant communication in accordance with rules established by the Meeting.

3. Each Sponsoring Partner is entitled to one representative at the Meeting of the Sponsoring Partners. The Chair shall be invited to present the yearly activity report and the yearly financial statement of the Steering Committee. A representative of the Nomination Committee shall be invited to present the nominations according to Article 8. Observers may be invited by the Steering Committee, and may be given the right to address the Meeting of the Sponsoring Partners, but shall have no right to vote.

4. An invitation to the Meeting of the Sponsoring Partners, with a draft agenda for the Meeting and a presentation of the nominations from the Nomination Committee, shall be sent to the Sponsoring Partners one month before the Meeting.

5. At the Annual Meeting the Sponsoring Partners shall:

- a) Receive and consider the yearly activity report of the Steering Committee;
- b) Receive and consider the yearly financial statement of the Steering Committee;
- c) Approve the audit report or reports;
- d) Approve new Sponsoring Partners after recommendation by the Steering Committee;
- e) Appoint the Chair, in accordance with Article 6;
- f) Appoint members of the Steering Committee, in accordance with Article 7 and paragraph 7 of this Article;
- g) Appoint External Auditors, in accordance with Article 15;
- h) Appoint Internal Auditors, when so requested by Partners in accordance with Article 8, paragraph 4.

6. The Meeting of the Sponsoring Partners shall decide the number of members of the Steering Committee within the limits set out in Article 7, paragraph 2. This decision shall be communicated to the Nomination Committee three months before the nominations shall be presented to the Partners.

7. In the appointment of members of the Steering Committee, the Meeting of the Sponsoring Partners shall:

- a) Aim to assure that the composition of the Steering Committee reflects a balance in terms of professional background, geographical representation, gender and level of development of the person's home State;
- b) Take into consideration the member's capacity to take active part in the work of the Steering Committee.

8. If the appointments deviate from the proposal of the Nomination Committee, the Meeting of the Sponsoring Partners shall explain its decision in a written report which shall be communicated to the Nomination Committee, the Partners and the Steering Committee without delay.

9. Decisions of the Meeting shall be taken by simple majority of the present and voting Sponsoring Partners. A decision taken at a meeting requires the presence of representatives of at least half of the Sponsoring Partners plus one. A decision taken through distant communication shall be taken by a simple majority of all Sponsoring Partners.

10. Absent Sponsoring Partners may communicate their vote in advance to the Chairman of the Meeting.

#### Article 11

##### *The Executive Secretary and the Secretariat*

1. The Executive Secretary is the chief executive officer of the Organisation and the head of the Secretariat. The Executive Secretary shall serve as the secretary of the Steering Committee and shall report to and be responsible to the Steering Committee for the activities of the Secretariat.

2. The Executive Secretary shall be appointed by the Steering Committee for a period that shall not exceed five years, which may be subject to renewal.

3. The Executive Secretary shall:

- a) Implement the decisions of the Steering Committee;
- b) Execute instructions from the Chair;
- c) Approve new Partners of the Network;
- d) Support the committees and groups established by the Steering Committee;
- e) Appoint such staff as may be required to carry out the objectives of the Network and the Organisation;
- f) Be responsible for the financial management and accounting of the Organisation;
- g) Be authorised to issue statements and enter into obligations in the name of and on behalf of the Organisation within the scope of her or his mandate or as authorised by the Steering Committee;
- h) Make an oral presentation at the Annual Network Meeting of the yearly activity of the Network and the Organisation.

#### Article 12

##### *Location*

The Secretariat of the Organisation shall be located in Stockholm.

## Article 13

*Privileges and immunities*

The Organisation and its staff shall enjoy such privileges and immunities in the Host State as shall be stipulated in the Headquarters Agreement referred to in Article 1, paragraph 3.

## Article 14

*Finance*

1. The operation of the Organisation shall be financed by voluntary contributions and donations from governments and others. Other sources of financing may be sought by the Steering Committee provided that they are compatible with the objectives of the Network and the Organisation.

2. The Partners and the Sponsoring Partners shall not be required to provide financial support to the Network or to the Organisation beyond voluntary contributions.

## Article 15

*External auditor*

1. A full audit of the financial management and transactions of the Organisation shall be conducted on an annual basis.

2. The audit shall be conducted by External Auditors from an independent international accounting firm appointed by the Meeting of the Sponsoring Partners. The External Auditor shall be appointed for a period of one year, which shall be subject to automatic renewal, unless the Meeting of the Sponsoring Partners decided otherwise.

3. The Steering Committee shall submit the audit report to the Partners and the Sponsoring Partners with any comments it may find required.

## Article 16

*Dissolution*

1. The Network may be dissolved by a four-fifths majority vote of the Partners. A decision to dissolve the Network may be taken through distant communication.

2. The Steering Committee shall, within a year after the decision to dissolve the Network, invite the Sponsoring Partners to an extraordinary meeting where it shall present a proposal for the dissolution or remod-

elling of the Organisation, including such financial dispositions that are in conformity with the objective of the Network according to these Statutes and that have been approved by the financial contributors of the Organisation.

#### Article 17

##### *Amendments*

1. Any amendment to these Statutes may be adopted by a two-thirds majority vote of the Network Meeting and an unanimous decision of the Meeting of the Sponsoring Partners preceding or subsequent to the said Network Meeting. A proposal for an amendment shall be circulated to the Partners and Sponsoring Partners four weeks in advance of the respective meeting.

2. Any amendment adopted in accordance with the preceding paragraph shall enter into force in accordance with Article IV of the Memorandum of Understanding referred to under paragraph 2 of Article 19.

#### Article 18

##### *Withdrawal*

1. Any Partner may withdraw from the Network. Such withdrawal shall become effective upon the written notification to the Executive Secretary.

2. Any Sponsoring Partner may withdraw from the Memorandum of Understanding on the Establishment of the Global Water Partnership Organisation on the terms established in Article II of that agreement.

#### Article 19

##### *Entry into force*

1. The proposal to create the Organisation under the mandate set out in these Statutes has been endorsed and the content of these Statutes has been approved by the Partners of the Network at their meeting in Stockholm on 14–16 August 2001.

2. These Statutes have been accepted in a Memorandum of Understanding on the Establishment of the Global Water Partnership Organisation by Partners invited to become original Sponsoring Partners of the Organisation.

3. These Statutes will enter into force upon the entry into force of the Memorandum of Understanding referred to under paragraph 2.

#### Article 20

##### *Depositary*

The Executive Secretary shall be the depositary of these Statutes and the Memorandum of Understanding on the Establishment of the Global

Water Partnership Organisation. The Depositary shall communicate all notifications relating to the Statutes and the Memorandum of Understanding to all Parties to the Memorandum of Understanding. The Depositary shall also present a summary of these notifications to the Network Meeting.

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**List of invited States and Intergovernmental Organisations to  
become original Sponsoring Partners of the Global Water  
Partnership Organisation**

The following States and Intergovernmental Organisations have been invited by the Swedish Government, in consultation with the presiding Chair of the Global Water Partnership Network, to become original Sponsoring Partners of the Global Water Partnership Organisation:

Argentina  
Brazil  
Chile  
Denmark  
France  
Germany  
Hungary  
India  
Japan  
Jordan  
The Netherlands  
Pakistan  
South Africa  
Spain  
The United Kingdom  
  
The World Bank  
The World Meteorological Organization

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**D. PARLEMENT**

Het Memorandum van overeenstemming behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Memorandum kan worden gebonden.

G. INWERKINGTREDING

De bepalingen van het Memorandum van overeenstemming zullen ingevolge artikel V, tweede lid, in werking treden op de dag waarop drie ondertekenaars, waarvan twee staten, de depositaris hebben medege-deeld dat aan hun wettelijk of constitutioneel vereiste procedures is vol-daan.

J. GEGEVENS**Verwijzingen**

- Titel : Overeenkomst betreffende de Internationale Bank  
voor Herstel en Ontwikkeling (Wereldbank);  
Washington, 27 december 1945
- Tekst en : *Stb.* G. 278  
vertaling
- Laatste *Trb.* : *Trb.* 1989, 121
- Titel : Verdrag van de Wereld Meteorologische Organisatie;  
Washington, 11 oktober 1947
- Tekst : *Stb.* 1951, 236 (Engels en vertaling)
- Laatste *Trb.* : *Trb.* 1995, 258

Uitgegeven de *derde* mei 2002.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN