

Memorandum of Understanding
between
the Government of the Republic of Kazakhstan and
the United Nations Economic Commission for Europe
on hosting the International Water Assessment Centre in Kazakhstan

1. Preamble

The Government of the Republic of Kazakhstan and the United Nations Economic Commission for Europe (UNECE) (hereinafter “the Parties”),

Recalling Article 19 of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereinafter “Convention”), which states that the Executive Secretary of the UNECE shall carry out the secretariat’s functions for the Convention;

Recalling that the Meeting of the Parties to the Convention at its second session decided to establish the International Water Assessment Centre (hereinafter “IWAC”) (the Hague, 23-25 March 2000);

Recalling the offer by Kazakhstan to host IWAC as of 2017 and the acceptance of this offer by the Meeting of the Parties to the Convention at its seventh session (Budapest, 17-19 November 2015);

Recalling that the Meeting of the Parties to the Convention had entrusted Kazakhstan and the Convention Bureau, with the support of the Convention secretariat, to closely cooperate in defining future arrangements concerning IWAC, including its Terms of Reference and its Programme of Work, and to report back to the Working Group on Integrated Water Resources Management and to the Meeting of the Parties at their next meetings;

Recalling that the Convention became open to all United Nations Member States as of 1 March 2016 and that Kazakhstan can play a special role with regards to neighbouring non-UNECE countries;

Acknowledging the unique role of IWAC as the Convention’s collaborating centre in support of implementation of the Convention and, as relevant, its Protocol on Water and Health (hereinafter “Protocol”) and their respective programmes of work;

Wishing to promote a spirit of close, practical and pragmatic and result-oriented cooperation,

Have reached understanding on the following:

2. Purpose

1. The Government of the Republic of Kazakhstan will host IWAC in the city of Astana, starting in 2017 in the framework of an organization in which the State is a majority shareholder, selected through a tender in accordance with the laws of the Republic of Kazakhstan and will provide the necessary financial, human resources and technical means to ensure its functioning.

2. IWAC will support the implementation and application of the Convention and, as relevant, its Protocol and their respective programmes of work, in accordance with the terms of reference annexed to this Memorandum of Understanding, with a focus on Kazakhstan's neighbouring countries, other Central Asian countries, as well as other countries inside and outside the UNECE region, as appropriate.

3. IWAC activities will be guided by the principles of neutrality and cooperation, in the best interests of the Convention and in accordance with international water law.

3. Scope of cooperation and responsibilities of the Parties

4. The Parties will designate focal points for maintaining regular contacts and will hold regular consultations on matters of common interest related to IWAC work, including issues related to IWAC staffing, IWAC funding and activities. From the side of the Government of Kazakhstan, the focal point will be appointed by the Ministry of Agriculture of the Republic of Kazakhstan; from the UNECE side, the focal point will be appointed by the Executive Secretary of UNECE – the Convention secretariat.

5. The IWAC programme of work, including specific timelines of activities and the amount and sources of funding, will be developed and revised as necessary, in consultation with the Government of the Republic of Kazakhstan, the Bureau of the Convention and UNECE, and will be aligned with the programmes of work adopted by the Meetings of the Parties to the Convention and, as relevant, the Protocol.

6. The Government of the Republic of Kazakhstan, through IWAC, will take the lead in initiating and implementing the activities identified in the IWAC programme of work, based on available resources. In implementing activities, IWAC will cooperate with relevant international organizations, non-governmental organizations, research institutes, as well as relevant projects in the field of transboundary water management in Kazakhstan, its neighbouring countries, other Central Asian countries, as well as other countries inside and outside the UNECE region, as appropriate.

4. Financing

7. The Memorandum of Understanding entails no financial obligations for one Party with regard to the financing of activities by the other Party, although such financing can take place in the form of separate bilateral agreements. It is expected that the Government of the Republic of Kazakhstan will provide core funding for the operation of IWAC. UNECE may consider financing some of the activities from the programme of work of the IWAC, subject to availability of financial resources and on the basis of a separate agreement.

5. Review and oversight

8. IWAC will regularly report on its activities to the Meeting of the Parties to the Convention, and, as relevant, to the Protocol's Meeting of the Parties and to their working groups, and will be guided by the recommendations of these bodies in its further work.

6. Amendments and termination

9. Upon mutual agreement of Parties, amendments and additions may be introduced to this Memorandum of Understanding through signing additional protocols, which will become its integral part.

10. The Government of the Republic of Kazakhstan will notify UNECE of any changes related to its commitments stipulated in this Memorandum of Understanding at a minimum of one year's notice.

11. Either Party may terminate this Memorandum of Understanding at one year's written notice to the other Party at any time, through diplomatic channels.

7. Settlement of disputes

12. The Parties shall endeavour to settle any disputes arising out of the application and/or interpretation of this Memorandum of Understanding by good faith negotiation. If a dispute cannot be resolved by good faith negotiation, it will be submitted for arbitration under the procedures of the United Nations Commission for International Trade Law (UNCITRAL) then obtaining.

8. Privileges and immunities

13. Nothing contained in or relating to this Memorandum of Understanding shall be deemed a waiver, express or implied, of any of the privileges and

immunities of the United Nations under the 1946 Convention on the Privileges and Immunities of the United Nations. Nor shall anything contained in or relating to the present Memorandum of Understanding be deemed a waiver, express or implied, of any of the privileges and immunities enjoyed by the Republic of Kazakhstan under the 1961 Vienna Convention on Diplomatic Relations.

9. Entry into force

14. This Memorandum of Understanding on the hosting of the IWAC takes effect upon its signature by both Parties.

Signed in four original versions, two each in Russian and English languages, both texts being equally authentic. In case of disputes on the interpretation of the provisions of this Memorandum of Understanding, the Parties will refer to the text in English.

For the Government of the Republic of Kazakhstan

Yerlan Nysanbaev
Vice-Minister of Agriculture

For the United Nations Economic Commission for Europe

Christian Friis Bach
Executive Secretary

Annex to
the Memorandum of Understanding between
the Government of the Republic of Kazakhstan and
the United Nations Economic Commission for Europe
on hosting the International Water Assessment Center in Kazakhstan

Terms of Reference
of the International Water Assessment Center under the Convention on the
Protection and Use of Transboundary
Watercourses and International Lakes

Introduction

1. The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992) (hereinafter – Convention) aims to protect and ensure the quantity, quality and sustainable use of transboundary water resources by facilitating cooperation.

2. The Convention was originally negotiated as a regional instrument for the region of the United Nations Economic Commission for Europe (UNECE) but was amended in 2003 to allow accession to all United Nations Member States. As of 1 March 2016, all United Nations Member States can accede to the Convention.

3. The Meeting of the Parties is the main governing body of the Convention. Its mandate is to keep under continuous review the implementation of the Convention and to take the necessary measures required to achieve the purposes of the Convention.

4. At its second session (the Hague, Netherlands, 23-25 March 2000), the Meeting of the Parties decided to establish the International Water Assessment Centre (hereinafter “IWAC”) as the Convention’s collaborating centre.

5. IWAC was hosted from 2000 to 2008 in the Netherlands and from 2009 to 2012 in Slovakia.

6. At the seventh session (Budapest, 17-19 November 2015), the Meeting of the Parties welcomed the kind offer of Kazakhstan to host IWAC as of 2017.

Overall objective

7. As the Convention's collaborative centre, the overall objective of IWAC shall be to support implementation of the Convention and, as relevant, its Protocol on Water and Health (hereinafter "Protocol"), and their programmes of work adopted by the respective Meeting of the Parties.

8. In carrying out its activities, IWAC shall abide with the principles of neutrality and cooperation, in the best interests of the Convention, in order to safeguard credibility, independence and objectivity.

9. IWAC will have a special focus on Kazakhstan's neighbouring countries, other Central Asian countries, as well as other countries inside and outside the UNECE region, as appropriate

Main activities

10. IWAC will:

1) Provide support to countries to implement or accede to the Convention and, as relevant, its Protocol on Water and Health.

2) Support the implementation of soft law tools, such as guidelines and recommendations, developed under the Convention and, as relevant, under the Protocol on Water and Health, including through pilot projects and other projects on the ground.

3) Organize training courses, workshops and seminars, and/or render assistance to countries and joint bodies in conducting such events to improve the sustainable management of transboundary water resources and, as relevant, under the Protocol.

4) Assist the Convention secretariat, as appropriate, in carrying out its mandated work and the activities in the Convention's and, as relevant, Protocol's programme of work.

5) Promote the exchange of expertise and good practices related to the work under the Convention and, as relevant, the Protocol.

6) Gather and disseminate information related to the Convention and, as relevant, the Protocol.

7) Upon request, carry out and/or coordinate studies related to the work under the Convention and, as relevant, the Protocol.

8) Upon request, collect, process, analyse, publish and disseminate data and information related to the management of transboundary water resources and, as relevant, water and health.

9) Participate in and contribute to the activities under the Convention and, as relevant, under the Protocol.

10) Draw-up project proposals to support the implementation of the Convention and, as relevant the Protocol, in its area of expertise and in consultation with the Convention Bureau and the secretariat, and ensure their effective implementation.

Method of work

11. IWAC will have 6 staff members, selected on a competitive basis. The appointment of the competitively selected Head of IWAC and its deputy will be made in consultation with the Convention secretariat.

12. The programme of work of the IWAC, including specific timelines of activities and the amount and sources of funding, will be developed, elaborated and amended as necessary in consultation with the Government of the Republic of Kazakhstan, the Convention Bureau and UNECE, and will be aligned with the programmes of work adopted by the Meetings of the Parties to the Convention and, as relevant, the Protocol.

13. IWAC will ensure a proper coordination and harmonization with other relevant activities in the Convention's, and as relevant Protocol's, programme of work, in particular the activities implemented by the Convention secretariat.

14. The IWAC will establish effective coordination of its activities with relevant organizations working at the regional and global levels.

15. The IWAC will implement its programme of work in a timely manner and to the highest possible standards of quality, and will bring to the attention of the Convention Bureau and the secretariat any issue that can delay the implementation of the programme of work.

16. IWAC will regularly report on its activities to the Meeting of the Parties of the Convention, and, as relevant, to the Protocol's Meeting of the Parties and to their working groups, and will be guided by the recommendations of these bodies in its further work.