



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le

FDE

6 janvier 2005

NOTE POUR LES MEMBRES DE LA COMMISSION

E 7/2005

Délai:

NORMALE

JEUDI 13 JANVIER 2005 - 11 H

Observations éventuelles : service des procédures écrites SG-A-2
Fax : 64316 - Tél.: 52362 / 52363

Objet : Protection et assistance aux réfugiés
- protocole d'accord avec le HCR

Proposition de Mme FERRERO-WALDNER

Décision proposée :

- approuver le projet de décision de la Commission relative à l'adoption du protocole d'accord concernant l'établissement d'un partenariat stratégique entre le Haut Commissariat des Nations unies pour les réfugiés et la Commission des Communauté européennes dans le domaine de la protection et de l'assistance aux réfugiés et aux autres populations dont s'occupe le HCR dans des pays tiers;
- autoriser le membre chargé des relations extérieures à signer le protocole d'accord ;
- ne pas publier au JO.

Commentaire :

Selon le service responsable, ce projet ne comporte pas d'incidences financières sur le budget communautaire.


Patricia BUGNOT
Directeur du Greffe

Destinataires : MM. LANDABURU, CHENE, SILVA RODRIGUEZ, RICHELLE, ROMERO REQUENA, LOWE, MANSERVISI, VAN DER PAS, REGLING, CAVACO SERVINHO, BARBASO, Mme QUINTIN, M. REICHENBACH, Mme DAY, MM. VANDEN ABEELE, HOLMQUIST, M. DEFFAA, COLASANTI, FAULL, SCHAUB, BRÜENER, DE OLIVEIRA E SOUSA, MADELIN, CARL, LAMOUREUX, PETITE

PREPARATION DU DOCUMENT

Direction générale responsable

RELEX Relations extérieures

Services Associés

pour accord

ADMIN	Personnel et Administration	: Accord
AGRI	Agriculture	: Accord
AIDCO	EuropAid - Office de coopération	: Accord
BUDG	Budget	: Accord
COMP	Concurrence	: Accord
DEV	Développement	: Accord
EAC	Education et Culture	: Accord
ECFIN	Affaires économiques et financières	: Accord
ECHO	Office humanitaire de la Communauté européenne	: Accord
ELARG	Elargissement	: Accord
EMPL	Emploi et affaires sociales	: Accord
ENTR	Entreprises	: Accord
ENV	Environnement	: Accord
ESTAT	Eurostat	: Accord
FISH	Pêche	: Accord
IAS	Service d'Audit Interne	: Accord
INFSO	Société de l'information	: Accord
JLS	Justice, Liberté et Sécurité	: Accord
MARKT	Marché intérieur	: Accord
OLAF	Office Européen de Lutte Anti-Fraude	: Accord
PRESS	Service Presse et Communication	: Accord
SANCO	Santé et protection des consommateurs	: Accord
SG	Secrétariat général	: Accord
TRADE	Commerce	: Accord
TREN	Energie et Transports	: Accord

pour avis

SJ Service juridique : Avis favorable

Langue originale : EN

En cas de demande de corrigendum/suspension de cette procédure, les cabinets et/ou le Service juridique sont invités à envoyer leurs observations à la boîte fonctionnelle "SG A-2 ACCORDS CABINETS".

Dossier traité par Ulrike TRAUTENBERGER - BERL 08/396 - 67372

Info-point PROCEDURE : SG/A/2 (52362- 52363)

Info-point NOTIFICATION : Christoforos MASTROGIANNIS (tél. 64741)

Info-point PUBLICATION : Valérie DELAUNOIS (tél : 98423)

COMMUNICATION TO MEMBERS OF THE COMMISSION

Memorandum concerning the establishment of a Strategic Partnership between the Office of the United Nations High Commissioner for Refugees and the Commission of the European Communities in the field of protection and assistance to refugees and other people of concern to the UNHCR in third countries

The establishment of Strategic Partnerships with UN agencies, funds and programmes (UNAFP) in development and humanitarian affairs is a reflection of a consistent policy of seeking a stronger relationship and co-operation with the UN.

The Strategic Partnership to be established between the European Commission and the Office of the United Nations High Commissioner for Refugees is a follow up action to the Commission's Communication to the Council and the European Parliament on "Building an effective partnership with the United Nations in the fields of Development and Humanitarian Affairs" of 2 May 2001 (COM(2001)231), as well as the Commission's Communication to the Council and the European Parliament on "the European Union and the United Nations: The choice of multilateralism" of 10 September 2003 (COM(2003)526) and the Council conclusions of 8 December 2003, which consolidated and extended the Commission's objective of establishing Strategic Partnerships.

The 2001 Communication emphasised the need to take a more proactive approach vis-à-vis the United Nations, identifying "strategic UN partners" and strengthening the dialogue with these on programming and policy-making including in particular by participating in activities of governing bodies as active observers and in relevant donor group meetings. The 2003 Communication indicated the main features of the Partnerships as being "greater EC involvement in policy dialogue and governing bodies; more stable, predictable financial co-operation in operational activities; and support for core activities of the selected UNAFP". A strengthened and more structured co-operation under the Strategic Partnerships should, implemented efficiently, achieve synergies and improve co-ordination at both policy and operational level, and allow better use of the expertise and resources of the UN agencies, funds and programmes.

The legal basis for the Partnership is Article 302 of the Treaty establishing the European Community, according to which it shall be for the Commission to ensure the maintenance of all appropriate relations with the organs of the United Nations and its specialised agencies.

There is already an extensive and very fruitful co-operation between the UNHCR and the Commission organisations in certain specific areas. The considerations in the preamble to the Memorandum acknowledge and establish a link between the Partnership and such established relations under the Exchange of Letters between the UNHCR and the Commission (signed by Mr Vitorino and the former High Commissioner for Refugees Ms Ogata) of 6 July 2000 concerning the co-operation on areas of common concern, in particular refugee and asylum questions, and in the framework of the co-operation between the UNHCR and the European Commission Humanitarian Aid Office (ECHO) in the field of humanitarian aid, including the Strategic Programming Dialogue. The co-operation under the Partnership will build upon and complement these already existing and well-functioning dialogues (but not replace them), and will enable the Commission and the UNHCR to consolidate, develop and structure in a more systematic manner the co-operation, to their mutual benefit.

The Partnership covers the protection and assistance to refugees and other people of concern to the UNHCR in third countries/non-EU Member States. The aim of the Partnership is to enhance and increase the effectiveness of the exercise of the respective mandates of the two organisations in these areas. The specific objectives of the Partnership are to further strengthen political dialogue and close co-operation at all levels between the two organisations; to promote the respect of international refugee law; to co-operate in finding durable solutions for refugees and other people of concern to the UNHCR; to enhance the exchange of information and analysis; and to encourage joint training and share best practices.

The text of the Memorandum has been prepared in close co-operation between the Commission services (RELEX, ECHO, JAI, DEV, AIDCO, and ELARG) involved in an inter-service team set up for the purpose of preparing the Partnership, and it has been discussed in detail with the UNHCR.

It is proposed that the Memorandum of Understanding be signed on behalf of the Commission by the Member of the Commission in charge of External Relations.

In conclusion, the Commission is requested to:

Adopt the text of the draft Memorandum of Understanding between the Commission and the Office of the United Nations High Commissioner for Refugees (UNHCR) in the field of protection and assistance to refugees and other people of concern to the UNHCR in third countries;

Authorise the Member responsible for External Relations to sign the Memorandum of Understanding on behalf of the Commission.

Draft

COMMISSION DECISION

of [...]

adopting the Memorandum concerning the establishment of a strategic partnership between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Commission of the European Communities in the field of protection and assistance to refugees and other people of concern to the UNHCR in third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 302 thereof,

Whereas:

- (1) The establishment of strategic partnerships with United Nations agencies, funds and programmes in development and humanitarian affairs is a reflection of a consistent policy of seeking a stronger relationship and co-operation with the United Nations, as underlined in the Commission's Communication to the Council and the European Parliament on "Building an effective partnership with the United Nations in the fields of Development and Humanitarian Affairs" of 2 May 2001¹, as well as the Commission's Communication to the Council and the European Parliament on "the European Union and the United Nations: The choice of multilateralism" of 10 September 2003²,
- (2) The Commission and the Office of the United Nations High Commissioner for Refugees (UNHCR) have negotiated a text of a Memorandum concerning the establishment of a strategic partnership in the field of protection and assistance to refugees and other people of concern to the UNHCR in third countries, which is proposed for adoption,

HAS DECIDED AS FOLLOWS:

¹ COM (2001) 231, 2.5.2001

² COM (2003) 526, 10.9.2003

Sole Article

1. The Memorandum concerning the establishment of a strategic partnership between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Commission of the European Communities in the field of protection and assistance to refugees and other people of concern to the UNHCR, contained in the Annex, is hereby approved.
2. The Member of the Commission responsible for External Relations, or the person designated by him for this purpose, is authorized to sign the Memorandum on behalf of the Commission of the European Communities.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

ANNEX

MEMORANDUM

concerning the establishment of a strategic partnership between the Office of the United Nations High Commissioner for Refugees and the Commission of the European Communities in the field of protection and assistance to refugees and other people of concern to the UNHCR in third countries

Considering the Communications of the Commission of the European Communities to the Council and the European Parliament on “Building an effective partnership with the United Nations in the fields of Development and Humanitarian Affairs”¹, and “The European Union and the United Nations: the choice of multilateralism”²;

Considering the United Nations General Assembly Resolution 319 (IV) of 3 December 1949 establishing a High Commissioner’s Office for Refugees, United Nations General Assembly Resolution 428(V) of 14 December 1950 on the Statute of the Office of the United Nations High Commissioner for Refugees, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

Considering the Agenda for Protection, endorsed by the UNHCR Executive Committee and welcomed by the United Nations General Assembly in 2002;

Considering the Exchange of Letters between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the European Commission (the Commission) concerning the cooperation on areas of common concern, in particular refugee and asylum questions;

Considering the fact that there are existing arrangements for co-operation between the UNHCR and the European Commission Humanitarian Aid Office (ECHO) in the field of humanitarian aid, including the Strategic Programming Dialogue;

Considering the Treaty establishing the European Community, and in particular Article 302 thereof;

The Commission and the UNHCR hereby establish a Strategic Partnership (“the Partnership”) in the field of protection and assistance to refugees and other people of concern to the UNHCR in third countries with the aim of consolidating, developing and intensifying their co-operation in the areas covered herein.

A. PRINCIPLES AND OBJECTIVES

1. Through the Partnership, the Commission and the UNHCR will to mutual benefit consolidate, develop and structure their cooperation in areas of common concern

¹ COM (2001) 231, 2.5.2001.

² COM (2003) 526, 10.9.2003

regarding protection and assistance to refugees and other people of concern to the UNHCR, bearing in mind their respective mandates.

2. The Commission and the UNHCR aim to enhance and increase the effectiveness of the exercise of their respective mandates in the areas covered by the strategic partnership.
3. In particular, the objectives of the Partnership are:
 - a. To foster political dialogue and close co-operation at all levels between the Commission and the UNHCR on matters pertaining to the protection of and assistance to refugees and other people of concern to the UNHCR in third countries,
 - b. To enhance the regular and timely exchange of information, analysis and strategic assessments regarding the situation of refugees and other people of concern to the UNHCR in third countries, as well as information on planned action, with a view to fostering enhanced co-ordination and synergies in the response to needs,
 - c. To promote the respect of international refugee law in third countries,
 - d. To co-operate on the identification of durable solutions for refugees and other people of concern to the UNHCR in third countries,
 - e. To encourage joint training sessions and the sharing of best practices and experiences.
4. The objectives of the Partnership will be achieved through:
 - a. regular policy dialogue meetings between the Commission and the UNHCR;
 - b. enhanced co-operation at all levels, the level of headquarters as well as at third country level; and
 - c. financial co-operation where there is added value in relation to Community action, relevant impact, common interest and adequate capacities, within the framework of existing Community instruments and with due regard to the relevant implementing procedures.
5. The Commission will furthermore endeavour to strengthen its participation in relevant UNHCR governing bodies, and the UNHCR will endeavour to facilitate this approach.
6. The co-operation under the Partnership recognises and is in complement to the already existing co-operation between the Commission and the UNHCR under the terms of the exchange of letters of 6 July 2000, signed by Mr. Vitorino and Ms. Ogata, on cooperation between the Commission and the UNHCR on areas of common concern, in particular refugee and asylum questions.
7. The co-operation under the Partnership is also complementary to existing co-operation arrangements, including the Strategic Programming Dialogue, between ECHO and the UNHCR in the field of humanitarian aid.

B. AREAS OF CO-OPERATION

1. The Commission and the UNHCR have agreed the following overarching themes for the Partnership:
 - a. Follow-up to the Agenda for Protection and its Programme of Action, including the protection of refugees in third countries. Ensuring promotion and implementation of the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, including co-operation in advocacy towards third parties and support to policy making and capacity building for the development of asylum systems in third countries.
 - b. Assessment of new crisis situations and developments regarding existing crises, including analysis on addressing root causes, needs for assistance, the means of promoting co-ordinated responses and the exchange of early information about strategic decisions and actions, including strategies for withdrawal from an assisted area (“exit strategies”).
 - c. Encouragement of enhanced complementarity and co-ordination to better prioritise and synchronise their action with a view to ensuring an effective transition from emergency assistance towards durable solutions (addressing issues relating to notably the sustainable voluntary return of refugees and other people of concern to the UNHCR where appropriate, resettlement and integration). The partners will in this respect also encourage a close co-operation with and between various other UN Agencies concerned with the Commission and UNHCR concepts of, respectively, Linking of Relief, Rehabilitation and Development and the “4 Rs” – Repatriation, Reintegration, Rehabilitation and Reconstruction, and endeavour to organise joint meetings between the Commission and the relevant UN agencies, in particular those involved in strategic partnerships, on an ad hoc basis as required.
2. Within these overarching fields, specific areas for policy dialogue, possible common approaches and co-operation will be defined jointly by the partners.

C. ORGANISATION OF THE CO-OPERATION

The UNHCR and the Commission have agreed the following operational arrangements for the Partnership:

1. The main forum for policy dialogue between the Commission and the UNHCR will be formal, regular bilateral meetings on strategic policy matters of common interest to the two partners. Senior level meetings shall be held once per year between the Director-General responsible for External Relations in the Commission or a representative nominated by him, with the participation of concerned Commission services, and the Assistant High Commissioner of the UNHCR or a representative nominated by him, based on an agreed agenda. The purpose of these meetings is to review progress of work on the priority areas of co-operation under the Partnership and to discuss policy, technical and operational issues related to furthering the objectives of the Partnership.

2. Regular and *ad hoc* bilateral meetings may be held between the two partners at expert level as deemed necessary, to address priority matters of common interest regarding specific themes, countries or regions, or to exchange information on the programming of assistance. The partners will also encourage enhanced and regular desk-to-desk dialogue at the level of headquarters as well as at field level.
3. The focal points for the Partnership will be, on the one hand the Directorate General responsible for External Relations in the Commission and, on the other hand, the Division for Communication and Information in the UNHCR. The focal points shall ensure coordination of the implementation of the Partnership and they will to this end maintain a regular dialogue, meeting on a regular basis and as a minimum once per year, to discuss and evaluate the practical implementation. The focal points within the Commission and the UNHCR will ensure the association of other concerned services in their respective organisations in this dialogue, in the case of the Commission notably through convening regular meetings of an inter-service team.
4. The Commission and the UNHCR will each endeavour to invite, as appropriate, the other partner to participate in meetings with external participation at which policy matters related to the aims of the partnership will be discussed.

D. FINANCIAL ASPECTS OF THE STRATEGIC PARTNERSHIP

1. Any financial assistance by the Commission to the activities undertaken by the UNHCR shall, unless otherwise agreed in exceptional circumstances, be in accordance with the Financial and Administrative Framework Agreement between the European Communities and the United Nations, which entered into force on 29 April 2003.
2. Programming of resources made available by the Commission under this Partnership will, where feasible, be carried out in conjunction with the relevant parties representing those countries or regional groupings for which funds are earmarked.
3. Within the Partnership, the parties will also consider possibilities of enhanced, more predictable, multi-year financial co-operation in area(s) agreed under the Partnership.

E. DURATION

The Partnership enters into force at the date of the signature of this Memorandum and has indeterminate duration. The content of the Partnership is to be reviewed within the overall arrangements laid down in section C of this Memorandum as required, on the basis of mutual agreement of the partners.

Done at ...,

For the Commission

Benita FERRERO-WALDNER
Member of the European Commission
in charge of External Relations

For the UNHCR

Ruud LUBBERS
United Nations High Commissioner for
Refugees