

## 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”<sup>1</sup>, and “The European Union and the United Nations: the choice of multilateralism”<sup>2</sup>;

*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 asylum policy in the EU;

*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 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:

---

<sup>1</sup> COM (2001) 231, 2.5.2001.

<sup>2</sup> COM (2003) 526, 10.9.2003

- 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 15 February 2005, signed by Mr. Frattini and Mr Lubbers, on cooperation between the Commission and the UNHCR on asylum policy in the EU.
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**

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 Genève 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:

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**

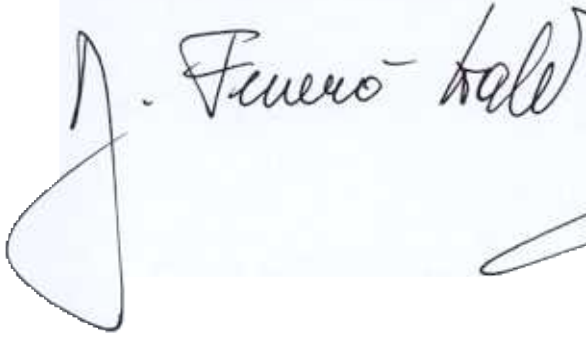
The Partnership enters into force at the date of the signature of this Memorandum and has indeterminate duration. The content of the Partnership is to be reviewed within the overall arrangements laid down in section C of this Memorandum as required, on the basis of mutual agreement of the partners.

Done at Brussels, on 15<sup>th</sup> February 2005  
For the Commission

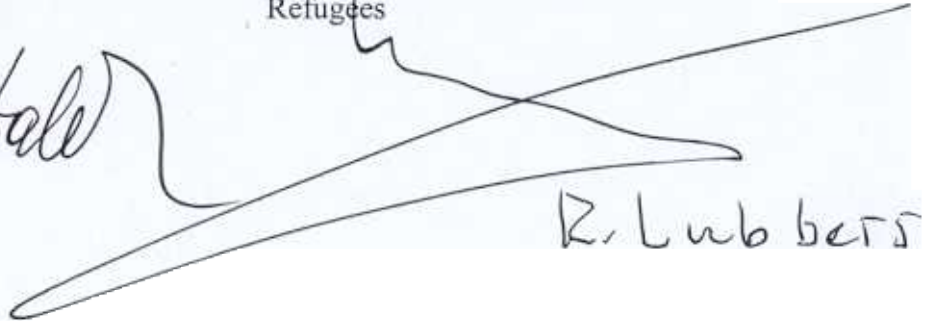
For the UNHCR

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

Ruud LUBBERS  
United Nations High Commissioner for  
Refugees



*B. Ferrero-Waldner*



*R. Lubbers*

