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Activities of the United Nations High Commissioner for Refugees (UNHCR)

Recommendation 1729 (2005)

Reply from the Committee of Ministers
adopted at the 967th meeting of the Ministers' Deputies (14 June 2006)

1. The Committee of Ministers welcomes Parliamentary Assembly Recommendation 1729 (2005) on the activities of the United Nations High Commissioner for Refugees (UNHCR). The Committee has communicated the recommendation to the governments of its member states.

2. The Committee of Ministers highly appreciates the efforts of the UNHCR to fulfil its mandate and to develop new tools and agreements to enhance the refugee protection regime in the difficult and uncertain climate created today notably by terrorism, transnational crime and migration flows. It considers that processes like the UNHCR's "Convention Plus" process, to which the Assembly's recommendation refers, constitute useful tools for finding sustainable solutions to refugee problems and for improving refugee protection worldwide. The Committee therefore encourages member states, when appropriate, to take part in such processes with a view to addressing current and future refugee challenges more effectively. It underlines the aim that refugees be given protection as soon as possible and as close as possible to their original homes.

3. With regard to the Assembly's call on the Committee of Ministers to "further develop co-operation with the UNHCR on the legal interpretation of the status of refugees and asylum seekers", the Committee wishes to underline that the UNHCR has always been closely associated with the Council of Europe's standard setting work in this field as it enjoyed observer status, and actively participated in all the meetings of the Ad Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR). It should also be noted that the Committee of Ministers has recently revised the terms of reference of the CDCJ with a view to enabling it to work in the field of asylum, refugees and stateless persons. It would welcome the UNHCR's participation in any standard setting work the CDCJ may be invited to undertake.

4. The Committee is pleased to inform the Assembly that in the framework of the Council of Europe's assistance programmes, as well as the Memorandum of Understanding between the Secretary General of the Council of Europe and the United Nations High Commissioner for Refugees of 25 August 1999, the UNHCR and the Council of Europe are conducting national workshops on those European standards that are relevant for the protection of refugees, displaced persons and asylum-seekers. Such joint activities are planned in 2006 in Armenia, Georgia, the Russian Federation, the Republic of Serbia, the Republic of Montenegro and Ukraine. The two organisations also co-organised the 3rd Colloquy on the European Convention on Human Rights and the protection of refugees, asylum seekers and internally displaced persons in October 2005.

F – 67075 Strasbourg Cedex, tel: +33 3 88 41 20 00, fax: +33 3 88 41 27 76, http://assembly.coe.int, e-mail: assembly@coe.int

5. In respect of the Assembly's recommendation that the Committee of Ministers "encourage further collaboration, based on the Memorandum of Understanding signed on 14 March 2005 between the Council of Europe Development Bank and the UNHCR, in order to continue to contribute to finding just and durable solutions to the problems of refugees in the Balkans", the Committee recalls that the Memorandum of Understanding defines relevant objectives, resources, arrangements and priority geographical sectors and consolidates already well-established co-operation.

6. Since 1999, seven donations have been approved for projects implemented in full or in part by UNHCR for a total disbursed amount of €2.8 million. These projects in favour of refugees and internally displaced persons contributed to providing emergency assistance, housing solutions or local integration opportunities for refugees and IDPs in South-East Europe. The Bank's Administrative Council also approved a loan, in November 2004, for an amount of €8 million in favour of the government of Bosnia and Herzegovina for a project aimed at permanent housing solutions benefiting approximately 4 500 IDPs registered with UNHCR and living in collective centres and alternative housing.

7. The Committee of Ministers underlines that the Development Bank maintains regular contacts with the authorities of the countries in South-East Europe and stands ready to contribute to the financing of further investment projects aimed at durable solutions to the problems of refugees that member countries may wish to present. It notes that co-operation with the UNHCR will continue to play an important role in refugee-related projects.

8. The Committee of Ministers finally informs the Assembly that the Governing Board has decided to bring the Assembly's recommendation to the attention of the Bank's Administrative Council, which is competent for the approval of projects.

Appendix 1 to the reply

Opinion of European Committee on Legal Co-operation (CDCJ)
on Parliamentary Assembly Recommendation 1729 (2005)
on the activities of the United Nations High Commissioner for Refugees (UNHCR)

1. Following the adoption by the Parliamentary Assembly of Recommendation 1729 (2005) on the activities of the United Nations High Commissioner for Refugees (UNHCR), the Committee of Ministers decided to communicate it to the European Committee on Legal Co-operation (CDCJ), for information and possible comments by 31 March 2006.

2. The CDCJ took note of the recommendation of the Parliamentary Assembly and, in relation to it, wishes to make the following comments.

3. The CDCJ would first like to pay tribute to the UNHCR for assisting Council of Europe member states in providing adequate protection to those victims of persecution and violence who were forced to leave their place of origin. It is well aware that the UNHCR's task is made all the more difficult in today's climate of perceived threats related notably to terrorism, transnational crime and migration flows. The CDCJ supports the efforts of the UNHCR to fulfil its mandate in this difficult environment and to develop new tools and agreements to enhance the refugee protection regime.

4. In this respect, the CDCJ believes that the UNHCR's "Convention Plus" process (para. 3.1) constitutes a promising tool to improve refugee protection worldwide and to facilitate the resolution of refugee problems through multilateral special agreements. It encourages member states, when appropriate, to take part in the process with a view to address current and future refugee challenges more effectively.

5. With regard to para. 3.2 of the recommendation in which the Assembly calls upon the Committee of Ministers to "further develop co-operation with the UNHCR on the legal interpretation of the status of refugees and asylum seekers", the CDCJ notes that the UNHCR has always been closely associated with the Council of Europe's standard setting work in this field as it enjoyed observer status, and actively participated in all the meetings of the Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR). The CDCJ also notes that - following the suspension of the activities of CAHAR - its own terms of reference are to be amended with a view to enabling it, at the request of the Committee of Ministers, to make proposals aimed at providing legal solutions, to problems which member states face in the field of asylum, refugees and stateless persons. In this light, the CDCJ

stresses that it would welcome the UNHCR's participation in any standard setting work which it might be invited to undertake.

6. The CDCJ also notes with satisfaction that in the framework of the Council of Europe's assistance programmes, the UNHCR and the Council of Europe are conducting national workshops on those European standards that are relevant for the protection of refugees, displaced persons and asylum-seekers. The CDCJ is of the opinion that the Council of Europe should remain in close co-operation with the UNHCR in the protection of asylum seekers, refugees and stateless persons in Europe.

Appendix 2 to the reply

Opinion of the Governing Board of the Council of Europe Development Bank on Parliamentary Assembly Recommendation 1729 (2005) on the activities of the United Nations High Commissioner for Refugees (UNHCR)

The Governing Board took note of paragraph 3.3 of the Parliamentary Assembly's Recommendation 1729 (2005), asking the Committee of Ministers to: "3.3 encourage further collaboration, based on the Memorandum of Understanding signed on 14 March 2005 between the Council of Europe Development Bank and the UNHCR, in order to continue to contribute to finding just and durable solutions to the problems of refugees in the Balkans."

In this connection, it recalls that the Memorandum of Understanding signed between the United Nations High Commissioner for Refugees and the Council of Europe Development Bank defines the relevant objectives, resources, arrangements and priority geographical sectors and consolidates the already well-established co-operation.

Since 1999, seven donations were approved for projects implemented in full or in part by UNHCR for a total disbursed amount of €2.8 million. These projects in favour of refugees and internally displaced persons contributed to providing emergency assistance, housing solutions or local integration opportunities for refugees and IDPs in South-East Europe.

The Administrative Council of the CEB also approved a loan, in November 2004, for an amount of €8 million in favour of the Government of Bosnia and Herzegovina for a project aimed at permanent housing solutions benefiting approximately 4 500 IDPs among the group of the most needy among IDPs registered with UNHCR and living in collective centres and alternative housing.

It further recalls that the CEB maintains regular contacts with the authorities in the countries of South-East Europe and stands ready to contribute to the financing of further investment projects they might wish to present aimed at durable solutions to the problems of the refugees. Co-operation with the UNHCR will continue to play an important role in refugee-related projects.