

**Proposal for a Council Decision on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East for 2002-2005**

(2002/C 203 E/24)

COM(2002) 238 final — 2002/0104(CNS)

(Submitted by the Commission on 3 May 2002)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181 in conjunction with Article 300(3) first subparagraph, and paragraph 4, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The tenth Convention<sup>(1)</sup> concluded with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) expired on 31 December 2001.
- (2) The current crisis in the Middle East has put additional burden on UNRWA.
- (3) The Community assistance to UNRWA is an important element in stabilising the situation in the Middle East and furthermore forms part of the campaign against poverty in developing countries and therefore contributes to the sustainable economic and social development of the population concerned and the host countries in which the population lives.
- (4) Support of UNRWA operations would be likely to contribute to the attainment of the Community objectives described in the above paragraph.
- (5) A new Convention should be concluded with UNRWA so that the Community's aid can continue to be provided as part of a comprehensive programme offering a measure of continuity,

(6) The appropriate internal procedure should be established to ensure the proper functioning of the agreement. It is therefore necessary to delegate to the Commission the power to proceed to modifications where the convention provides for modifications to be adopted by simplified procedure (exchange of letters),

HAS DECIDED AS FOLLOWS:

*Article 1*

The Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East is hereby approved on behalf of the Community.

The text of this Convention is attached to this Decision.

*Article 2*

The execution of the Community programme of food aid to UNRWA shall be governed by the procedure defined in Regulation (EC) No 1292/96<sup>(2)</sup>.

*Article 3*

The Commission shall be approve, in consultation with a special committee, modifications to the Convention where the Convention provides for modifications to be adopted by way of simplified procedure (exchange of letters).

*Article 4*

The President of the Council is hereby authorised to designate the persons empowered to sign the Convention in order to bind the Community.

<sup>(1)</sup> OJ L 261, 7.11.1996, p. 69.

<sup>(2)</sup> OJ L 166, 5.7.1996, p. 1.

## CONVENTION

### **between the European Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East**

#### *Article 1*

The European Community (hereinafter referred to as 'the Community') hereby concludes this Convention with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as 'UNRWA') in order to confirm its commitment to financial support to UNRWA. This funding, extending over a four-year period (2002-2005), shall take the form of cash contributions for use under the UNRWA General Fund.

The financial commitment will be made subject to budgetary availability and with respect to the financial perspectives of the European Communities until the year 2006.

#### *Article 2*

#### **Community contribution**

1. The Community shall pay to UNRWA annually a cash contribution towards the General Fund.

Notwithstanding Article 3 of this Convention, the size of this contribution shall not exceed EUR 55 million in 2002, EUR 57,75 million in 2003, EUR 60 637 500 in 2004, and EUR 63 669 375 in 2005.

2. The contribution to the General Fund will be made by means of grant agreements to be concluded between the European Commission and UNRWA covering the years 2002-2005. The grant agreements will be concluded fully in accordance with the provisions of the 'Agreement between the United Nations and the European Community on the Principles Applying to the Financing or Co-financing by the Community of Programmes and Projects Administered by the United Nations of 9 August 1999'.

3. The contribution shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of UNRWA, the result of which will be duly communicated to the European Commission.

#### *Article 3*

#### **Food aid**

Taking into account the annual evaluation of the needs of the refugee population, other Community resources can also be mobilised for UNRWA's food aid programme to meet the specific needs of vulnerable groups. The amounts, quantities and characteristics of the commodities, cash and services provided and all other conditions related to support to the food aid programme will be subject to separately agreed conditions, based on annual requests from UNRWA.

#### *Article 4*

#### **Adjustment**

If necessary, during the life of the Convention, the parties can by mutual agreement increase or decrease those parts of the contributions otherwise fixed under this Convention, on the

basis of an exchange of letters between the Community and UNRWA.

By the end of 2003, political developments regarding the refugees will be reviewed by the parties, and an evaluation made of any plans UNRWA has formulated, and, if this is the case, put into effect, for the hand-over of its functions to the Palestinian Authority and/or any other body.

If, during the life of the Convention, any or all of the functions of UNRWA are transferred to the Palestinian Authority or to any other body, necessary adjustments will be made to those parts of the Community contribution to UNRWA under the Convention, on the basis of an exchange of letters between the Community and UNRWA.

#### *Article 5*

#### **Arbitration clause**

1. Any dispute, controversy or claim arising out of or relating to the interpretation, application or fulfilment of this Convention, including its existence, validity or termination, which cannot be settled amicably between the Parties shall be referred to arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration for International Organisations and States in force at the date of the signature of this Convention.

2. There shall be one arbitrator.

3. The language to be employed during arbitration is English.

4. In the absence of agreement between the two Parties, the arbitrator shall be designated by the President of the International Court of Justice following written request submitted by either Party.

5. The Arbitrator shall reach his/her decision in accordance with the terms and conditions of the contract in the light of the general principles of law recognised by States.

#### *Article 6*

#### **Agreement on global arrangements**

Following agreement in the discussions being held between the United Nations and the Commission on global arrangements covering the donation of voluntary contributions, the relevant provisions of such agreement and this Convention shall be promptly reviewed and any necessary amendments agreed to

by UNRWA and the Commission shall be made to the applicable provisions of this Convention.

*Article 7*

**Duration of the Convention**

The Convention shall cover a period of four calendar years (2002, 2003, 2004, and 2005).

*Article 8*

The Convention shall be approved by the parties in accordance with their own procedures.

This Convention shall enter into force on the first day of the month following the date on which the Parties notify each other that the procedures referred to in the first paragraph of this article have been completed.

*Article 9*

This Convention shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each version being equally authentic.

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