



COOPERATION AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES
AND
THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

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AND

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

THE PARTIES TO THIS COOPERATION AGREEMENT: the General Secretariat of the Organization of American States (hereinafter referred to as GS/OAS), represented by its Secretary General, Mr. José Miguel Insulza, and the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as UNHCR), represented by Mr. Philippe Lavanchy, Director of the Americas Bureau;

Bearing in mind that the Organization of American States proclaims the fundamental rights of the individual and encourages the promotion of those rights;

Considering that UNHCR statute establishes as the primary function of the Office to provide international protection to refugees and seek durable solutions for refugee problems and that this protection competence also encompasses returnees, the prevention and reduction of statelessness, and the protection of stateless persons and other persons in need of protection, including the current activities of the Office related to the protection and assistance of internally displaced persons, as recognized in various United Nations resolutions;

Taking into account that the plight of refugees, asylum seekers, returnees, stateless persons, internally displaced and other persons in need of protection in the Americas has always been of interest to the competent organs of the OAS;

Underlining the increasing working relationship between the competent organs of the OAS and UNHCR as reflected in different OAS General Assembly resolutions;

Considering that one of the functions of the GS/OAS is to establish relations of cooperation with international organizations to promote the principles of the Organization;

That the GS/OAS is the central and permanent organ of the Organization of American States and is authorized to carry out relations of cooperation in accordance with Article 112(h) of the Charter and OAS General Assembly Resolution AG/RES. 57 (I-O/71); and

Recalling that, as part of the discharging of its protection mandate, UNHCR should keep close contact with inter-governmental organizations,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

SPECIAL COOPERATION RELATIONS

1.1. The GS/OAS and UNHCR will cooperate in matters of common interest to the Americas. Cooperation shall take place especially in the following areas:

- i. Promotion and dissemination of international refugee law;
- ii. Promotion of the continental ratification of the international instruments relating to refugees, reduction of statelessness and protection of stateless persons, and of the adoption by States of national enactment mechanisms and safeguards in accordance with international and regional human rights standards;
- iii. Strengthening the cooperation between the competent organs of the OAS and UNHCR in order to reinforce the legal and institutional framework for the protection of refugees, asylum seekers, returnees, stateless persons, internally displaced and other persons in need of protection in the Americas, and for the prevention and reduction of statelessness;
- iv. Undertaking of joint comparative research studies on the situation of refugees, asylum seekers, returnees, stateless persons, internally displaced and other persons in need of protection in the Americas;
- v. Provision by UNHCR, when necessary, of technical advice for the drafting and adoption of Inter-American instruments to enhance the protection of refugees, asylum seekers, returnees, stateless persons, internally displaced and other persons in need of protection in the Americas;
- vi. Compilation by the OAS and sharing with UNHCR, in order to preserve the institutional memory, of all documentation prepared since the inception of the OAS concerning the issues of asylum and the protection of refugees, asylum seekers, returnees, stateless persons, internally displaced and other persons in need of protection in the Americas;
- vii. Participation and joint sponsorship of conferences, seminars, and other meetings on topics of common interest, recognizing that both Parties may invite each other to participate at conferences or meetings held by each other, in accordance with their existing rules and when such meetings address matters of common interest; and
- viii. Provision by UNHCR of regular briefings to competent organs of the OAS on the situation of refugees, asylum seekers, returnees, stateless persons, internally displaced and other persons in need of protection in the Americas.

1.2. For purposes of such cooperation, the Parties will carry out joint projects, for which they shall conclude supplementary agreements or memoranda of

understanding in accordance with the guidelines established in this Cooperation Agreement.

ARTICLE 2

RECIPROCAL CONSULTATIONS

2.1. The parties will consult with each other on a regular basis concerning their plans of action and other matters that may be of mutual interest in order to accomplish their objectives and coordinate their respective activities.

ARTICLE 3

EXCHANGE OF INFORMATION AND DOCUMENTS

3.1 The Parties will exchange, on a regular basis, information and documents on matters of common interest.

3.2. The Parties recognize that information to be shared by the Parties may be restricted in accordance with national or local law, as well as legal or ethical considerations of confidentiality and evidentiary privilege.

ARTICLE 4

FINANCIAL PROVISIONS

4.1. Without prejudice to what the Parties may provide in the supplementary agreements, memoranda of understanding and/or exchange of letters entered into pursuant to this Agreement for the joint implementation of programs, objects and/or activities, this Agreement in and of itself does not create obligations of a financial nature for either of the Parties.

4.2. Any financial obligations incurred by the Parties as a result of this Cooperation Agreement or supplementary agreements or memoranda of understanding that may be signed shall be subject to the decisions of their governing bodies, the availability of funds, and to the standards, rules, and regulations relating to budgetary and financial matters.

ARTICLE 5

SETTLEMENT OF DISPUTES

5.1. Any dispute that arises with regard to the interpretation or implementation of this Cooperation Agreement shall be settled through direct negotiation between the Parties. Should the Parties fail to reach a settlement that is satisfactory to both, they shall submit their differences to a mutually agreed arbitration procedure. The arbitration decision shall be final and binding and not subject to appeal.

ARTICLE 6

PRIVILEGES AND IMMUNITIES

6.1. Nothing in this Cooperation Agreement constitutes an express or implied waiver of the privileges and immunities of the UNHCR, the OAS, the GS/OAS, their personnel, and their assets, in accordance with the OAS Charter, relevant agreements, applicable national law, or the general principles and practices of international law.

ARTICLE 7

COORDINATION AND NOTICE

7.1. Within the GS/OAS, the dependency responsible for coordinating GS/OAS activities under this Cooperation Agreement is the Office of International Law of the Department of International Legal Affairs. Notifications and communications should be directed to the Office of International Law at the following street address, fax and electronic mail:

General Secretariat of the OAS
19th St. and Constitution Ave., N.W.
Washington, D.C., 20006
United States of America
Tel: (1 202) 458 6899
Fax: (1 202) 458 3293
dnegro@oas.org

7.2. The dependencies responsible within UNHCR for coordinating the activities under this Cooperation Agreement are its Regional Office based in Washington D.C., as well as the Regional Legal Unit of the Americas Bureau. Notifications and communications should be directed to the following street addresses, faxes, and electronic mails:

UNHCR Regional Office for United States of America and the Caribbean
1775 K Street, NW Suite 300,
Washington D.C., 20006
United States of America
Tel: (1 202) 296 5191
Fax: (1 202) 296 5660
greene@unhcr.org

Regional Legal Unit of the Americas Bureau
UNHCR Costa Rica
PO Box 12-1009 FECOSA
Tel: (506) 234 2021
Fax: (506) 224-4891
murillo@unhcr.org

ARTICLE 8

GENERAL PROVISIONS

8.1. Amendments to this Cooperation Agreement may only be made by mutual consent in writing. The instruments recording the amendments shall be appended to this Cooperation Agreement and shall form part of this Cooperation Agreement.

8.2. This Cooperation Agreement shall enter into force upon signature by duly authorized representatives of both Parties and shall remain in force in accordance with article 8.3.

8.3. This Cooperation Agreement may be terminated by mutual consent or by either of the Parties by written notice from one to the other with not less than ninety days notice. Notwithstanding the termination of this Cooperation Agreement, the supplementary agreements, memoranda of understanding and letters referred to in Article 1.2 that the Parties have signed and that have been duly financed shall be continued to completion unless the Parties mutually decide otherwise.

8.4. Articles 5 and 6 shall survive the expiry or the termination of this Cooperation Agreement.

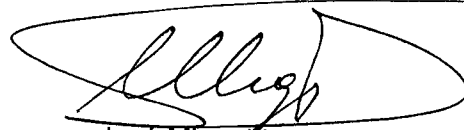
IN WITNESS WHEREOF the duly accredited representatives of the Parties sign this Cooperation Agreement in two originals in English and Spanish, in the city of Washington, D.C., on November 12th, 2007.

For the Office of the United Nations
High Commissioner
For Refugees



Philippe Lavanchy
Director of the Americas Bureau

For the General Secretariat
of the Organization of
American States



José Miguel Insulza
Secretary General

