

**JOINT PROGRAMME
BETWEEN
THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN,
THE ISLAMIC REPUBLIC OF AFGHANISTAN,
AND UNHCR
FOR VOLUNTARY REPATRIATION OF AFGHAN REFUGEES AND DISPLACED
PERSONS**

The Government of the Islamic Republic of Iran and the Islamic Republic of Afghanistan ("the Governments") and the United Nations High Commissioner for Refugees ("UNHCR"), hereinafter referred to as "the Parties",

- (a) Appreciating the hospitality of the Government of the Islamic Republic of Iran in hosting Afghan refugees and displaced persons for over two decades;
- (b) Welcoming the voluntary repatriation to Afghanistan of over 1.370.000 Afghan refugees and displaced persons since the start of the voluntary return operation in April 2002. Of this number around 840.000 have repatriated voluntarily under the Joint Programme and 530,000 repatriated spontaneously;
- (c) Recalling that the United Nations General Assembly Resolution 428 (V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by facilitating their voluntary repatriation and reintegration in their country of origin;
- (d) Noting the emphasis of the Governments and UNHCR to work with each other to achieve full observance of the 1951 Convention Relating to the Status of Refugees, internationally recognized human rights principles and in particular those relating to the repatriation of refugees and displaced persons;
- (e) Recognizing the progress made in achieving lasting peace, national unity, reconciliation, security, and social and economic development in Afghanistan, as stipulated in the "Agreement on Provincial Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions" signed, under the auspices of the United Nations, in Bonn on 5 December 2001. Noting the full implementation of the Bonn Agreement through the adoption of a new constitution in January 2004 and the holding of presidential elections in October 2004 and National Assembly and Provincial Council elections in September 2005. In this context taking into full account the road forward as outlined in the Afghanistan Compact adopted in the London Conference on Afghanistan 31 January - 1 February 2006.
- (f) Recognizing the Government of the Islamic Republic of Iran's implementation of voluntary repatriation within the framework of its internal laws and regulations; and



- (g) Resolved to cooperate in order to facilitate and assist the voluntary, dignified, safe and orderly return to, and successful reintegration in Afghanistan of Afghan refugees and displaced persons now in Iran.

Have agreed as follows:

ARTICLE 1
Definitions

1. The term "Afghan refugees and displaced persons" shall – for the purposes of defining the scope of this Joint Programme only – mean Afghan citizens in Iran who were registered in the Amayesh registration exercise undertaken by the Iranian authorities in 2005.
2. The term "returnee" shall mean any refugee and displaced person as defined in sub-section 1. of this Article, who has voluntarily returned to Afghanistan pursuant to this Joint Programme.

ARTICLE 2
Functions of the Tripartite Commission

1. The Tripartite Commission established for the Voluntary Repatriation of Afghan refugees and displaced persons from Iran in 2002 will continue its work throughout the duration of the current Joint Programme.
2. The Tripartite Commission will be composed of the representatives of the Government of the Islamic Republic of Iran, the Islamic Republic of Afghanistan and the United Nations High Commissioner for Refugees to facilitate, organize, coordinate and monitor the operation of the voluntary repatriation of the Afghan refugees and displaced persons living in Iran.
3. In order to have coordination between the Parties to the Joint Programme, coordination and follow-up meetings will be held at least three times a year with the presence of the representatives of the Parties. The meetings will be held alternately in Iran, Afghanistan, and Geneva unless the Parties agree otherwise. The meetings of the Tripartite Commission shall be chaired in Iran and Afghanistan by the respective authority and in Geneva by UNHCR. If the meeting takes place elsewhere the Parties will agree among them who will chair the meeting.
4. The Commission may, whenever deemed necessary or appropriate and, subject to agreement by all its members, invite representatives of relevant organizations to participate in its deliberations in any advisory capacity.
5. Decisions of the Commission shall be made on the basis of the mutual agreement of the Members.

ARTICLE 3

Ad Hoc Tripartite Arrangements/Liaison Officers

The Governments shall designate Liaison Officers at their respective Embassies in Kabul and Tehran and in other locations (e.g. Consulates General in the border provinces) if necessary with powers to deal with unforeseen operational issues on an ad hoc basis.

ARTICLE 4

UNHCR's Role

1. The Governments shall respect UNHCR's role, under its mandate to seek durable solutions, in facilitating and implementing the operation for voluntary repatriation of refugees and displaced persons in conditions of safety and dignity.
2. In this respect, the Governments welcome UNHCR's role to facilitate discussions in tripartite meetings and shall continue to provide information on policies, legislation and regulations relating to the situation of Afghan refugees and displaced persons covered by this agreement.

ARTICLE 5

Voluntary Character of Repatriation

The Parties hereby reaffirm that the repatriation of Afghan refugees and displaced persons in Iran shall take place at their freely expressed wish based on their knowledge of the conditions relating to voluntary repatriation and the situation in intended places of return. Accordingly, the status of those Afghan refugees and displaced persons who decide not to avail themselves of voluntary repatriation under the Joint Programme shall continue to be governed by the relevant international protection principals and standards.

ARTICLE 6

Return in Safety

Whereas the Government of the Islamic Republic of Iran shall retain responsibility for the safety of the repatriating refugees and displaced persons while on its territory, the Islamic Republic of Afghanistan shall be responsible for the safety of the returnees once within its territory.

ARTICLE 7

Freedom of Choice of Destination

The Parties reiterate that the refugees and displaced persons shall be free to return to, and settle in, their former places of residence or any other places of their choice within Afghanistan.



ARTICLE 8
Assurances Upon Return

1. The Islamic Republic of Afghanistan shall take necessary measures so that refugees and displaced persons can repatriate without any fear of harassment, intimidation, persecution, discrimination, prosecution or any punitive measures whatsoever on account of their having left, or remained outside of Afghanistan.
2. The Islamic Republic of Afghanistan recalls in this respect the guarantees contained in Decree No.297, dated 13.03.1381 (3 June 2002), on the Dignified Return of Afghan Refugees, which fully applies to Afghan citizens returning from Iran under this Joint Programme.
3. The Islamic Republic of Afghanistan shall give assurances that returnees have access to land for settlement and use, in accordance with the relevant national laws.
4. The Islamic Republic of Afghanistan shall facilitate, to the extent possible, the recovery and/or restitution to the returnees of land or other immovable or movable property which they may have lost or left behind.

ARTICLE 9
Spontaneous Return

The Parties hereby recognize that the provisions for voluntary, safe and dignified return set out in this Joint Programme will also apply to those opting to repatriate spontaneously by their own means. Statistics of spontaneous returns will be counted in the figure for organized voluntary repatriation.

ARTICLE 10
Information and Sensitization

1. The Parties to this Joint Programme shall, in Iran and Afghanistan, provide objective, accurate and updated information to Afghan refugees and displaced persons relevant to their repatriation and reintegration in Afghanistan. They shall also provide information about the benefits of voluntary repatriation and the advantages of the Joint Programme and the manner of its implementation, by using various means of communicating mass information such as distributing information on Afghanistan, radio and TV broadcasts, conducting 'come & talk' visits with Afghan officials and community leaders, organizing meetings with the refugee communities, operating mass information centers and other means agreeable by the Parties.
2. The Parties recognize that mass information activities amongst the Afghan community in Iran need to be expanded and complemented with information tailored to the needs of the Afghan refugees and displaced persons.

3. The Islamic Republic of Afghanistan shall, with a view to creating conditions conducive to the reintegration of returnees in safety and dignity, take all necessary measures to sensitize and prepare the population residing in areas to which the refugees and the displaced persons shall be repatriating.

ARTICLE 11

UNHCR Access to Refugees, Displaced persons, and Returnees

1. UNHCR shall be granted free access to Afghan refugees and displaced persons in Iran and to returnees wherever they may be located in Afghanistan. Likewise, returnees as well as refugees and displaced persons shall be granted free access to UNHCR.
2. The Islamic Republic of Afghanistan shall, in particular, extend full cooperation to UNHCR to allow UNHCR to monitor the treatment of returning refugees and displaced persons in accordance with humanitarian and human rights standards, including the implementation of the commitments contained in this Joint Programme.
3. In order to enable UNHCR to carry out its monitoring functions under paragraphs 1 and 2 of this Article, the Islamic Republic of Afghanistan shall inform UNHCR about every case of arrest, detention and legal proceedings involving returnees. The Islamic Republic of Afghanistan shall provide UNHCR with the relevant legal documentation on these cases as well as grant UNHCR free access to returnees under arrest or in detention.
4. The access provided to UNHCR under paragraph 1 of this Article shall, as appropriate, be extended to organizations which, as agreed upon by the Commission, will cooperate in the implementation of the Joint Programme.

ARTICLE 12

Movement of Staff of International Organizations

To facilitate the function of UNHCR staff and the staff of associated organizations as per Article 11, clause 4, on both sides of the Iran-Afghanistan border, the Governments Parties to this Joint Programme shall facilitate the movement of and issuance of multiple entry visas to the said staff. The governments shall also facilitate the transfer of vehicles, relief items and equipment for the repatriation operation inside and outside Iran and Afghanistan, all in accordance with their laws and regulations.

ARTICLE 13

Relief Goods, Materials, Equipment and Communication

1. The Governments shall, in accordance with internal laws and regulations, exempt the relief items and means of transportation required for the voluntary repatriation operation from taxes and relevant custom duties.

2. The Governments, in accordance with internal laws and regulations, hereby authorize UNHCR to use UN communications equipment and vehicles.

ARTICLE 14
Activities of other International Organizations

The Parties to this Joint Programme will request agencies related to the United Nations and other non-governmental organizations to contribute to the success of this Programme by focusing on and undertaking activities in the provinces of return inside Afghanistan.

ARTICLE 15
Juridical Status and Equivalency

The Islamic Republic of Afghanistan, in accordance with its laws, shall accord recognition to the legal status of Afghan refugees and displaced persons repatriating from Iran, including births, deaths, marriage and divorce. The Islamic Republic of Afghanistan shall also seek to accord recognition, as appropriate, to the equivalency of academic and vocational skills, diplomas and certificates obtained by the refugees and displaced persons and issued by valid Iranian institutions.

ARTICLE 16
Preservation of Family Unity

1. In accordance with the principle of family unity, the Parties will make necessary efforts to ensure that the family members of refugees and displaced persons are repatriated as units, and in order to avoid unwanted separations, a mechanism shall be established in Afghanistan for their reunification.
2. In order to preserve the unity of the family, spouses and/or children of repatriating refugees and displaced persons who are themselves not citizens of Afghanistan shall be allowed to enter and remain in Afghanistan. The principle established herein shall also apply to non-Afghan spouses as well as children of deceased Afghan refugees and displaced persons who may wish to enter and remain in Afghanistan to preserve family links. Accordingly, the Islamic Republic of Afghanistan shall regularize their entry and stay in Afghanistan in accordance with the provisions under its laws on the entry and stay of foreigners and will favorably consider their naturalization.

ARTICLE 17
Dispute Settlement Committees (DSC)

The Parties agreed to continue and to assist, whenever possible, the operation of Dispute Settlement Committees in the Islamic Republic of Iran in order to assist Afghans prior to their return in solving their legal problems. The Government of Iran shall, as required, facilitate the issuance of travel permits for Afghans who have to travel to the location of the DSC from their place of residence.



ARTICLE 18
Special Measures for Vulnerable Groups

The Parties shall take special measures to ensure that vulnerable groups like children, elderly, vulnerable females receive adequate physical protection, assistance and care throughout the voluntary repatriation and reintegration process.

ARTICLE 19
Planned Number of Returnees

In the framework of the Joint Programme, organized voluntary repatriation of 150.000 persons has been planned for the period until 20 March 2007. The Parties accept that the proposed planning figure may decrease or increase up to 500.000 persons, depending on the voluntary character of the repatriation, on developments in Afghanistan and on the contribution of the international community. The concerned Parties must be informed of any changes in this respect as soon as possible.

ARTICLE 20
Voluntary Repatriation Centers and Border Crossing Stations

1. UNHCR shall continue to contribute to the operations and function of the voluntary repatriation centers currently in Tehran, Khorasan Razavi, Sistan-Baluchestan, Esfahan, Yazd, Kerman, Qom, Fars, and Markazi. Depending on the volume of requests for repatriation and operational needs, voluntary repatriation centers can be increased or decreased.
2. In the Islamic Republic of Iran, Border Crossing Stations in Dogharoun, in Khorasan Razavi province, and Milak, in Sistan-Baluchestan province, shall continue to facilitate the voluntary repatriation. In Afghanistan, Border Crossing Stations in Islam Qala in Herat province and Zaranj in Nimrooz province will continue to be operational.
3. In the Islamic Republic of Iran, UNHCR will contribute towards the operational costs of the voluntary repatriation centers and border crossing stations during implementation of the programme. The modus operandi in this regard shall be determined by an agreement to be signed between UNHCR and Bureau of Aliens and Foreign Immigrants' Affairs. UNHCR will also contribute to the operational costs of the Afghan Ministry of Refugees and Repatriation's offices in Tehran, Mashad and Zahedan. The government of the Islamic Republic of Iran shall provide required visas. The legal status of these offices shall be determined separately between the Governments.
4. In order to prevent re-entry of those repatriates who might return to Iran for the sole purpose of receiving assistance and for reasons not stated in the 1951 Geneva Convention, the Government of the Islamic Republic of Iran will, in the Voluntary Repatriation Centers fingerprint those Afghan nationals opting for repatriation who had not taken part in the 2001 registration exercise. UNHCR will contribute towards the relevant costs.

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ARTICLE 21
Interview and Issuance of Exit Permit

1. All Parties to this agreement will ensure the voluntary nature of the repatriation of refugees and displaced persons. In this respect, UNHCR, in consultation with the other members of the Tripartite Commission, shall devise the most appropriate means for interviewing Afghan applicants to ascertain the voluntary character of their repatriation. Subsequently, the Government of the Islamic Republic of Iran will issue exit permits for the applicants. UNHCR shall be informed of any changes in fees to be paid for the exit permits.
2. The Afghan authorities shall recognize duly completed UNHCR Voluntary Repatriation Forms (VRFs), as valid identity documents and travel documents for the purpose of return to final destinations in Afghanistan.

ARTICLE 22
Transportation

UNHCR shall, in cooperation with the Government of the Islamic Republic of Iran, provide transportation facilities in Iran through the government, cooperative, and public sectors for the refugees and displaced and their belongings from all across the country. Furthermore, the reasonable and competitive costs related to transportation will be borne by UNHCR.

ARTICLE 23
Mine-Awareness

The Parties agreed on the importance of ensuring that all returnees receive basic mine-awareness training so as to minimize risks of mine-related accidents.

ARTICLE 24
Customs Formalities

1. The Governments shall, in accordance with their internal laws and regulations, take necessary measures required for the facilitation and acceleration of customs formalities in all border-crossing stations.
2. The Government of the Islamic Republic of Iran shall help all returning Afghans to take out their tools and household belongings with customs exemption unless prohibited.
3. All returning refugees and displaced persons can take back their money in Rials and Afghanis. In addition every Afghan can take out up to \$1,000 or the equivalent in other currencies.

ARTICLE 25
Cooperation with National and International Organizations

The Tripartite Commission shall seek cooperation and partnership of other national and international organizations (including governmental and non-governmental organizations) throughout the repatriation operation in order to facilitate the long-term reintegration of returnees.

ARTICLE 26
Resolution of Disputes

Any of the Parties may submit any question arising out of the interpretation or application of this Joint Programme for the Tripartite Commission's consideration and expeditious resolution, through amicable consultations.

ARTICLE 27
Entry into Force

This Joint Programme shall enter into force on the day of signature by the Parties.

ARTICLE 28
Amendment

This Joint Programme may be amended by mutual agreement in writing between the Parties.

ARTICLE 29
Duration and Extension of the Joint Programme

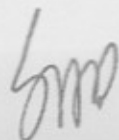
The duration of this Joint Programme shall be until 20 March 2007, extendable through mutual agreement and subject to the prevailing circumstances.

ARTICLE 30
Distribution of the Agreement

Copies of this agreement, both in English and Farsi, shall be distributed among relevant governmental authorities in Iran and Afghanistan.



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In witness whereof, the authorized representatives of the Parties hereby signed in triplicate this Joint Programme.

DONE in the Holy City of Mashhad this 8th day of March 2006, in three original copies, the English and Farsi versions being authoritative for interpretation purposes.

For the Government of the Islamic Republic of Iran

For the Islamic Republic of Afghanistan

For the United Nations High Commissioner for Refugees

