

AGREEMENT

between

**THE GOVERNMENT OF THE
ISLAMIC STATE OF AFGHANISTAN**

**THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF IRAN**

and

THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

for the Repatriation of Afghan Refugees in Iran

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

Recognizing the right of all citizens to leave and to return to their country of origin as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Recalling the mandate of the Office of the United Nations High Commissioner for Refugees to provide international protection to refugees and to seek permanent solutions for the problems of refugees, inter alia, by facilitating the voluntary repatriation of refugees and mobilizing the necessary international assistance to this end;

Considering that voluntary repatriation under conditions of safety and dignity is normally the best solution for refugee problems;

Noting Conclusions 18(XXXI) (1980) and 40(XXXVI) (1985) of the Executive Committee of the High Commissioner's Programme, which constitute internationally-agreed principles governing the repatriation of refugees;

Noting the desire of the Parties to work with each other to achieve full observance of the internationally recognized human rights principles and in particular those relating to the repatriation of refugees and displaced persons;

Resolved to co-operate in order to facilitate and assist the voluntary, dignified, safe and orderly return to, and the successful reintegration in, Afghanistan of the Afghan refugees now in Iran; and

Recognizing the need, therefore, to establish a framework for such co-operation and for joint planning and implementation of co-ordinated programmes for the repatriation of the Afghan refugees in Iran with the support of the international community;

HAVE AGREED as follows:

1. A Tripartite Commission for the repatriation of the Afghan refugees in Iran is hereby established.
2. The principal objective of the Commission shall be to facilitate the safe, orderly and voluntary repatriation of Afghan refugees and their successful reintegration in Afghanistan. The Commission shall determine the policies and advise the Parties on the measures which should be taken in order to achieve this objective.

3. The commission shall be composed of twelve Members, four Members being designated by each of the Parties. Members shall be empowered by the Parties to take decisions on matters within the competence of the Commission. Any Member of the Commission may, when attending any meeting of the Commission, be accompanied by such advisors as the Party designating that Member may deem necessary. Where the Members of the Commission are unable to attend any meeting of the Commission, the Party represented by those Members may designate a substitute.

4. The Commission shall meet as often as required, but no less frequently than once every two months. Meetings of the Commission may be convened at the request of any of the Parties. The meetings of the Commission shall be held alternatively in Afghanistan and Iran, except as the Parties may otherwise agree. The Commission may adopt its own rules of procedure. Decisions of the Commission shall be made on the basis of the mutual agreement of the Members.

5. The Members of the Commission may conduct exchange visits for the purpose of fulfilling their functions under this Agreement.

6. The Parties shall establish such additional mechanisms for consultation and co-ordination as may be required in order to facilitate the implementation of the provisions of this Agreement and of the decisions of the Commission that require joint action.

7. In its work the Commission shall be guided by respect for the following principles;

- a) refugees have the right to return voluntarily to their country of origin, irrespective of their ethnic, religious, social or political affiliation, under conditions of safety, freedom and dignity;
- b) refugees have the right to return peacefully without risk of any form of punitive or discriminatory treatment on account of their departure from Afghanistan, their status as refugees, or their political activities or affiliations;
- c) repatriants shall, upon return, enjoy freedom of movement and establishment, including the right to return to the areas where they lived prior to leaving Afghanistan or to the area of their choice;
- d) repatriants must be protected from any form of harassment, including unauthorized charges or fees, unlawful arrest or detention, and threats to life or property.

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8. In exercising its functions the Commission shall decide and establish policies and procedures within National rules and regulations and generally recognized International practices concerning, inter alia:

- a) measures to ensure the freedom of choice of the refugees with respect to their departure from Iran and their destination in Afghanistan, and their safety and well-being on route;
- b) information to refugees concerning the applicability of procedural safeguards established to enforce any general amnesty that may be promulgated by the Government of the Islamic State of Afghanistan;
- c) matters affecting the civil and personal status of repatriants, including the recognition, as appropriate, of the equivalency of school, training and professional certificates;
- d) the simplification of exit and entry border procedures for repatriants, and the exemption of their property from payment of exit or entry customs duties and tariffs, in order to facilitate voluntary repatriation, reintegration and rehabilitation;
- e) measures to ensure that, where it is not possible to preserve family unity during repatriation, families are reunited in Afghanistan, and measures for identification of, and appropriate care for, unaccompanied minors and other vulnerable groups during repatriation;
- f) measures to ensure that the High Commissioner has full access to all Afghan refugees and returnees in order to undertake activities essential to the discharge of her mandate and her operational and monitoring responsibilities;
- g) measures to facilitate the movement of staff and supplies of the United Nations and of co-operating agencies approved by the respective Governments, including travel between and within Afghanistan and Iran by personnel of the United Nations and of co-operating agencies, the use as required of air space and authorized air strips and airports for relief flights, and the expeditious clearance and handling and exemption from taxes and duties of goods imported for use in the voluntary repatriation of Afghan refugees and for the provision of relief, reintegration and rehabilitation assistance to Afghanistan;
- h) the establishment by the United Nations and co-operating agencies of provincial and field offices, at locations to be approved by the Government concerned, to facilitate voluntary repatriation, reintegration and rehabilitation;
- i) the allocation and the continued use by the Parties, the United Nations and co-operating agencies, of designated radio frequencies for cross-border and internal radio communications between their offices, vehicles and staff in Afghanistan and Iran.

9. In the event of disagreement within the Commission regarding the application and interpretation of this Agreement, where such disagreement cannot be settled amicably among the Members, the Commission shall refer such disagreement to the Parties for resolution.

10. This Agreement shall enter into force with immediate effect and shall remain in force until the Parties are agreed that the objectives of the Commission have been achieved, at which time the Parties shall review the results of the repatriation and, if necessary, consider any further arrangements that may be required.

IN WITNESS WHEREOF, the authorized representatives of the Parties have here below signed in triplicate this Agreement on the day of _____ 1992.

For the Government of the
Islamic State of Afghanistan

For the Government of the
Islamic Republic of Iran

دعوت الله وامر بار
وزیر امور مهاجرین
.....
[Name]
[Title]

Ahmad Hosseini
.....
[Name]
[Title]

For the United Nations High
Commissioner for Refugees

.....
[Name]
[Title] *Chief of Mission*
31 Oct. 92