

AGREEMENT ON THE ESTABLISHMENT OF A TRIPARTITE COMMISSION FOR THE VOLUNTARY REPATRIATION OF ANGOLAN REFUGEES BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ANGOLA, THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

PREAMBLE

The Government of the Republic of Angola, the Government of the Republic of Zambia (hereinafter referred to as "the Contracting States") and the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as "the High Commissioner")

**AGREEMENT ON THE ESTABLISHMENT
OF A TRIPARTITE COMMISSION
FOR THE VOLUNTARY REPATRIATION OF ANGOLAN
REFUGEES BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF ANGOLA, THE GOVERNMENT OF THE
REPUBLIC OF ZAMBIA AND THE UNITED NATIONS HIGH
COMMISSIONER FOR REFUGEES**

CONSIDERING that the Amnesty Law No. 2491 of 12 July 1991 and the Amnesty Law No. 402 of 4 April 2002 provide a formal guarantee under which Angolan refugees may return to Angola in conditions of safety and security, and that they shall not be subject to any judicial, legislative or administrative measure for acts or offences allegedly committed before or during their return;

NOTING that the Amnesty Law No. 1894 of 10 November 1994 applies to all crimes against Angolan state security and all other related crimes committed during the armed conflict following the general elections during the period from 1 October 1982 to the signing of the Memorandum of Understanding of 4 April 2002 complementing the Lusaka Protocol; and

RECOGNISING that the voluntary repatriation of Angolan refugees from Zambia to Angola requires adequate measures to be taken for the preparation of an orderly return;

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HAVE HEREBY AGREED AS FOLLOWS:

AGREEMENT ON THE ESTABLISHMENT OF A TRIPARTITE
COMMISSION FOR THE VOLUNTARY REPATRIATION OF ANGOLAN
REFUGEES BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
ANGOLA, THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA AND THE
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

PREAMBLE

The Government of the Republic of Angola, the Government of the Republic of Zambia (hereinafter referred to as "the Contracting States") and the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as "the High Commissioner");

RECOGNISING that voluntary repatriation, where feasible, constitutes the best durable solution for refugee problems, and that the attainment of this solution requires that refugees be repatriated in conditions of safety and dignity;

RECALLING that the Bicesse Accords of 31 May 1991, the Lusaka Protocol of 20 November 1994, and the Memorandum of Understanding of 4 April 2002 complimenting the Lusaka Protocol, have laid the foundation for peace, national reconciliation, democracy, and social as well as economic development in Angola;

CONSIDERING that the Amnesty Law No. 24/91 of 12 July 1991 and the Amnesty Law No. 4/02 of 4 April 2002 provide a formal guarantee under which Angolan refugees may return to Angola in conditions of safety and security, and that they shall not be subject to any judicial, legislative or administrative measures for acts or offences allegedly committed before or during their asylum;

NOTING that the Amnesty Law No. 18/94 of 10 November 1994 applies to all crimes against Angolan state security and all other related crimes committed during the armed conflict following the general elections during the period from 1 October 1992 to the signing of the Memorandum of Understanding of 4 April 2002 complementing the Lusaka Protocol; and

RECOGNISING that the voluntary repatriation of Angolan refugees from Zambia to Angola requires adequate measures to be taken for the preparation of an orderly return;

HAVE HEREBY AGREED AS FOLLOWS:

[Handwritten signatures and initials]

ARTICLE 1

DEFINITION OF TERMS

"Contracting States" refers to the Government of the Republic of Angola and the Government of the Republic of Zambia.

"The High Commissioner" refers to the United Nations High Commissioner for Refugees.

"Contracting/Signatory Parties" refers to the Government of the Republic of Angola, the Government of the Republic of Zambia and the United Nations High Commissioner for Refugees.

ARTICLE 2

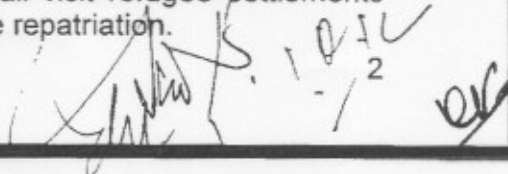
ESTABLISHMENT AND COMPOSITION OF A TRIPARTITE REPATRIATION COMMISSION

1. A Tripartite Repatriation Commission for the voluntary repatriation of Angolan refugees in Zambia is hereby established.
2. The Commission shall be composed of three members, each member designated by the respective Contracting Parties.
3. Where a member of the Commission is unable to attend to any business of the Commission, the party represented by that member of the Commission shall designate a substitute.
4. Any member of the Commission may, when attending any meeting or other business of the Commission, be accompanied by such number of advisors as the party represented by that member may deem necessary.
5. The Commission may, whenever it considers necessary or appropriate, invite or allow any relevant person, organisation or entity to participate in its deliberations in an advisory capacity.

ARTICLE 3

ROLE AND FUNCTIONS OF THE TRIPARTITE REPATRIATION COMMISSION

1. In its endeavours to implement the voluntary repatriation of Angolan refugees from Zambia, the Commission shall visit refugee settlements and inform them of any matter relevant to the repatriation.



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2. The Commission shall consider and advise the Contracting States and the High Commissioner on such actions or measures as may be taken in order to implement the voluntary repatriation.
3. The Commission shall also advise the Contracting States and the High Commissioner on any problems or hindrances that may arise in the course of the voluntary repatriation operation, as well as on the ways or actions necessary to overcome such obstacles.

ARTICLE 4

MEETINGS OF THE TRIPARTITE REPATRIATION COMMISSION

1. The Commission will in principle meet every four months, and on extraordinary basis whenever necessary. It will adopt its own rules of procedure.
2. Meetings of the Commission may be convened at the request of any of the Parties to this agreement.
3. Meetings of the Commission shall be held in either of the Contracting States or any other venue as agreed between the members.
4. Meetings of the Commission shall be summarised in reports for the attention of the Contracting States and the High Commissioner.

ARTICLE 5

EXCHANGE OF VISITS

The Members of the Commission may undertake visits to Angola and Zambia, for the purpose of fulfilling their functions under this Agreement.

ARTICLE 6

VOLUNTARY CHARACTER OF REPATRIATION

The Contracting States and the High Commissioner reiterate that the voluntary character of repatriation shall be adhered to. Accordingly, the status of those refugees who do not make the decision to repatriate shall continue to be governed by the applicable national legislation in accordance with the relevant international protection principles.

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ARTICLE 7

CONDITIONS FOR REPATRIATION

The Contracting States and the High Commissioner shall undertake all necessary initiatives to create conditions for the transportation and return of the refugees to places of final destination in conditions of safety and dignity.

ARTICLE 8

ACCESS TO REFUGEES AND RETURNEES

In order to carry out its protection and assistance functions, the High Commissioner, as well as all other agencies collaborating with it in the repatriation and reintegration operation, shall be granted free and unhindered access to Angolan refugees in Zambia and returnees in Angola, provided that in the case of other agencies the Contracting States shall be given due notification.

ARTICLE 9

BORDER CROSSING POINTS

The Contracting States and the High Commissioner shall agree on designated border crossing points for organised voluntary repatriation movements. Such agreement may be modified whenever operational requirements so demand.

ARTICLE 10

SIMPLIFICATION OF BORDER PROCEDURES

The Contracting States shall commit themselves to simplify and streamline the procedures at the border points, in order to permit the entry and the exit of the refugees who shall be exempted from the payment of customs duties and tariffs.

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ARTICLE 11

REPATRIATION PROGRAMME

1. The Commission shall consider plans which shall provide, *inter alia*, for:
 - (a) meetings with the refugees for the purposes of explaining to them the concept of voluntary repatriation, and to provide them with all information relevant to their repatriation and reintegration in Angola;
 - (b) visits by representatives of refugees to Angola to inform themselves of the situation there in order to facilitate the refugees' decision on repatriation;
 - (c) registration of all refugees who opt to repatriate under UNHCR auspices in the Voluntary Repatriation Forms;
 - (d) adoption of the Voluntary Repatriation Forms as a valid travel document for exit and entry formalities;
 - (e) arrangements for the transportation, transit accommodation and any other measures required for the orderly departure of the refugees from Zambia and their reception in Angola;
 - (f) tracing of family members or relatives of repatriating refugees, and facilitation of their reunion;
 - (g) adoption of special measures to ensure that vulnerable groups among the refugee population receive adequate protection, assistance and care throughout the repatriation and reintegration process;
 - (h) any other relevant information which the Commission may wish to include for consideration by the parties to this agreement.
2. The Commission shall adopt simple and practical mechanisms for the identification and the voluntary repatriation of Angolan refugees.
3. The High Commissioner shall endeavour to obtain from the international community the necessary resources required for the implementation of the voluntary repatriation programme.

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ARTICLE 12

MOVEMENT AND SECURITY OF UNHCR STAFF AND PERSONNEL

1. The Contracting States shall facilitate the movement of the High Commissioner's staff and personnel of its implementing partners into, within and outside of their territory at designated border crossing points. In particular, they shall ensure that such staff and personnel are issued with two-ways cross-border travel authorisations for the duration of the repatriation operation.
2. The Contracting States shall take all appropriate steps to ensure the security and safety of the High Commissioner's staff and all other personnel engaged in the repatriation operation provided for under this Agreement.

ARTICLE 13

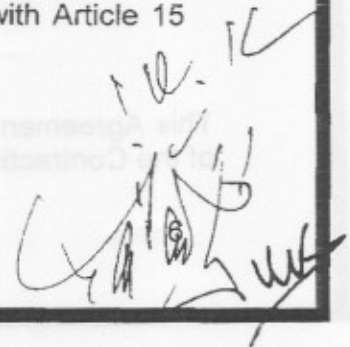
RELIEF GOODS, MATERIAL AND EQUIPMENT

1. The Contracting States shall exempt from taxes and from all the other custom duties and levies all relief goods, materials and equipment to be used for the repatriation and reintegration operation. The process of the importation of such goods used for the repatriation shall be expedited in accordance with the existing national laws applicable in this area.
2. The Contracting States shall authorise the High Commissioner to use UN radio equipment, frequencies and networks and shall, whenever operational requirements arise, facilitate the allocation of other frequencies.

ARTICLE 14

VALIDITY

The present Agreement shall be valid until the Tripartite Repatriation Commission declares the repatriation operation completed, unless any of the Contracting/Signatory Parties terminate it in accordance with Article 15 below.

12.10.10


ARTICLE 15

TERMINATION

1. The present Agreement can be terminated by any of the Contracting/Signatory Parties with a minimum notice of 90 days, through written notification to all the other Contracting Parties, if reasons of *force majeure* occur.
2. Reasons of *force majeure* shall be analysed in conformity with the provisions contained in Article 17.
3. The termination will not affect the validity of any part of the repatriation programme and plans which have become operational prior to the date of termination.

ARTICLE 16

AMENDMENTS

The present Agreement may be amended upon the request of one Contracting/Signatory Party with the concurrence of the other Contracting/Signatory Parties. Any amendments shall be enshrined in addenda to the present Agreement.

ARTICLE 17

RESOLUTION OF DISPUTES

Any question arising in connection with the application or the interpretation of this Agreement shall in the first instance be resolved amicably through negotiations and consultations among the members of the Commission, failing which, the Commission shall refer such matters to the Contracting States and the High Commissioner, who shall likewise, mutually resolve the same through negotiations and consultations.

ARTICLE 18

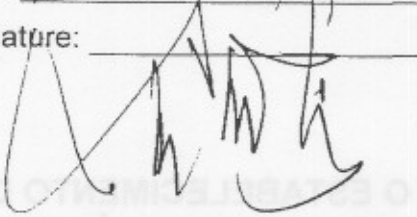
ENTRY INTO FORCE

This Agreement shall enter into force upon signature of the representatives of the Contracting States and the High Commissioner.

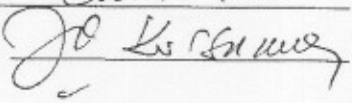
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DONE at Luanda, on 28 of November 2002, in three originals, two in English and one in Portuguese languages, all texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF ZAMBIA

Name: PETER MUMBA
Title: PERMANENT SECRETARY
Signature: 

FOR THE GOVERNMENT OF
THE REPUBLIC OF ANGOLA

Name: José Augusto Luís Simões
Title: Chefe de Missão
Signature: 

FOR THE UNITED NATIONS HIGH
COMMISSIONER FOR
REFUGEES

Name: KALLU KAHUMIYA
Title: REGIONAL CO-ORDINATOR (Designate)
Signature: Kallu Kahumiya

Done at Luanda, on 28 of November 2002, in three originals, two in English and one in Portuguese language, all texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF ANGOLA

FOR THE GOVERNMENT OF
THE REPUBLIC OF ZAMBIA

Name: Prof. Dr. António Augusto
Title: Minister of Education
Signature: [Signature]

Name: PETER MUKWA
Title: Permanent Secretary
Signature: [Signature]

**ACORDO TRIPARTIDO SOBRE O ESTABELECIMENTO DA
COMISSÃO PARA O REPATRIAMENTO VOLUNTÁRIO DE
REFUGIADOS ANGOLANOS ENTRE O GOVERNO DA
REPÚBLICA DE ANGOLA, O GOVERNO DA REPÚBLICA DA
ZAMBIA E O ALTO COMISSARIADO DAS NAÇÕES UNIDAS
PARA OS REFUGIADOS**

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