

T R I P A R T I T E A G R E E M E N T

between

THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE,

THE GOVERNMENT OF ZIMBABWE

and

THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

for the Voluntary Repatriation of Mozambican Refugees from Zimbabwe

The Government of the Republic of Mozambique and the Government of Zimbabwe (hereinafter referred to as "the High Contracting Parties") and the United Nations High Commissioner for Refugees (hereinafter referred to as "the High Commissioner" or "UNHCR")

Recognizing that the right of all citizens to leave and to return to their country is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Considering that the Mandate of the High Commissioner entrusts the Office to provide international protection to refugees and to seek permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation and integration in their country of origin,

Recalling that the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa sets out in Article V generally accepted principles governing voluntary repatriation,

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

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

Recalling that the General Peace Accord of 4 October 1992 between the Government of the Republic of Mozambique and RENAMO has laid the foundation for peace, stability, democracy and social and economic development in Mozambique,

Noting that in Protocol III of the General Peace Accord the Government of the Republic of Mozambique and RENAMO have agreed to co-operate in the voluntary repatriation and reintegration of Mozambican refugees and further agreed that all Mozambicans have the right to return to and move freely throughout the country without prior administrative authorization and to establish their residence in any part of Mozambique,

Recognizing the need for arrangements to facilitate the orderly repatriation of the Mozambican refugees in Zimbabwe with the assistance of the international community through the United Nations High Commissioner for Refugees,

HAVE AGREED as follows:

ARTICLE 1

DEFINITIONS

For the purpose of this Tripartite Agreement,

- (i) the term "refugee" shall mean a Mozambican citizen, as defined in the Mozambique Law on Nationality of 21 December 1987 and the Mozambique Constitution, who is living outside Mozambique as a refugee, in the sense defined in Article I of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- (ii) the term "returnee" shall mean any refugee, as defined in sub-section (i) of this Article, who has returned to Mozambique pursuant to this Tripartite Agreement.

ARTICLE 2

Establishment of a Tripartite Commission for the Repatriation of Mozambican Refugees in Zimbabwe

A Commission for the Repatriation of Mozambican Refugees from Zimbabwe to Mozambique is hereby established by the High Contracting Parties and the High Commissioner.

ARTICLE 3

Composition of the Commission

1. The Commission shall comprise of three members; each Party shall designate one member.
2. Any Member of the Commission may be accompanied to its meetings by advisers.
3. Where a Member is unable to attend to any business of the Commission, that Member shall designate a substitute.

ARTICLE 4

Role and Function of the Commission

The Commission shall consider and agree upon or advise the High Contracting Parties and the High Commissioner on such matters or measures as may be necessary to promote and facilitate the voluntary repatriation of Mozambican refugees from Zimbabwe.

ARTICLE 5

Meetings of the Commission

1. Meetings of the Commission may be convened whenever necessary, and at such venue as may be agreed upon.
2. The Commission shall adopt its own Rules of Procedure.

ARTICLE 6

Voluntary Character of Repatriation

The High Contracting Parties and UNHCR hereto reiterate that the voluntary character of repatriation shall be strictly adhered to. Accordingly, the status of those refugees who do not make the decision to repatriate shall continue to be governed by the relevant international protection principles.

ARTICLE 7

Conditions for Repatriation

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

ARTICLE 8

Treatment of the Returnees

1. Pursuant to the General Peace Accord, as well as other reconciliation initiatives taken by the Mozambican Government and other parties, the returnees shall have the right to return to their former places of residence or to any other places of their choice within Mozambique. They shall not be subject to any form of legal process, persecution, discrimination or punishment for any reason whatsoever on account of their having been refugees.

2. The returnees shall benefit from the relevant provisions of any amnesty, clemency or indemnity laws in force in Mozambique.
3. As a further confidence-building measure, the Mozambican Government shall issue, together with other relevant parties, a declaration inviting all refugees to return and guaranteeing that no one shall be punished or discriminated against on account of his religion, political affiliation or for having been in exile.
4. The Mozambican Government shall ensure that returnees have access to land for settlement and use, in accordance with Mozambique laws.
5. The Mozambican Government shall, in accordance with the relevant provisions of Protocol III of the General Peace Accord, assist returnees who attempt to recover their lost property.

ARTICLE 9

UNHCR Access to Refugees and Returnees

In order to be able to carry out its protection and assistance functions, UNHCR shall be granted free access to all Mozambican refugees in Zimbabwe and returnees in Mozambique.

ARTICLE 10

Public Information

UNHCR shall, in cooperation with the High Contracting Parties, undertake a campaign to provide to the refugees information relevant to their repatriation and reintegration in Mozambique.

ARTICLE 11

Designated Border Crossing Points

The Parties hereto shall agree on border crossing points for organized repatriation movements. Such agreement may be modified when necessary to better suit operational requirements.

ARTICLE 12

Simplification of Border Procedure for
Returning Refugees

The High Contracting Parties may waive or simplify or reduce to a minimum their respective immigration, customs and health formalities to enable:

- (i) the expeditious return of the refugees and their personal property;
- (ii) the use by refugees of duly completed and certified Voluntary Repatriation Forms or other simplified procedures as travel documents in lieu of passports.

ARTICLE 13

Relief Goods, Materials and Equipment

1. The High Contracting Parties shall exempt from the relevant Government taxes and duties all relief goods, commodities, resources and means of transport destined for use in the repatriation and reintegration operation. The Parties shall expedite the clearance and handling of such goods, materials and equipment.
2. The High Contracting Parties shall permit UNHCR to use UN radio equipment and frequencies and undertake to facilitate the allocation of other frequencies for the repatriation and reintegration operation whenever and wherever required in Mozambique and Zimbabwe. The relevant written authorizations for equipment, frequencies and networks shall be issued to UNHCR.

ARTICLE 14

UNHCR STAFF

1. The High Contracting Parties shall facilitate the movement of UNHCR staff and personnel of its implementing agencies within, into and out of Zimbabwe and Mozambique at agreed border points. In particular, they shall be issued two-way cross-border travel authorizations for this purpose.
 2. Drivers of convoy or other vehicles moving across borders for purposes of the repatriation shall be issued with multiple visa or travel authorizations to facilitate the performance of their functions.
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3. The High Contracting Parties shall use their best endeavours to provide the necessary protection to all staff and personnel involved in the repatriation operation.

ARTICLE 15

Implementing Partners

UNHCR, in consultation with the High Contracting Parties, may enter into agreements with inter-governmental or non-governmental organizations for the implementation of one or more sectors of the repatriation operation provided for in this Agreement. These organizations shall be granted free access to the refugees and relevant areas of the territories of the High Contracting Parties for the purpose of fulfilling their operational responsibilities.

ARTICLE 16

Resolution of Disputes

Any question arising out of the interpretation or application of this Agreement, or for which no provision is made herein, shall be resolved amicably through consultations between the Parties hereto.

ARTICLE 17

Entry into Force

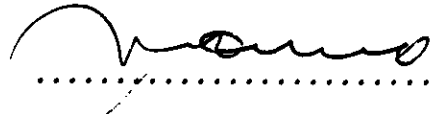
This Agreement shall enter into force upon signature.

ARTICLE 18

Termination

This Agreement shall remain in force until it is terminated by mutual agreement between the High Contracting Parties and the High Commissioner.

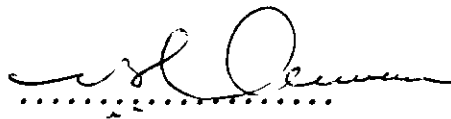
DONE at *MAPUTO* this day *22* of *MARCH* 19*93* in three originals, in the English and Portuguese languages, respectively, all texts being equally authentic.



For the Government of the
Republic of Zimbabwe



For the Government of the
Republic of Mozambique



For the United Nations
High Commissioner for Refugees