

**TRIPARTITE AGREEMENT ON THE VOLUNTARY REPATRIATION OF  
BURUNDIAN REFUGEES IN RWANDA**

**PREAMBLE**

The Government of the Republic of Burundi, the Government of the Republic of Rwanda and the Office of the United Nations High Commissioner for Refugees (UNHCR), hereafter referred to as the "Contracting Parties":

- (a) **Considering** the Constitution of the Republic of Burundi;
- (b) **Recognizing** that the right of all citizens to leave and to return to their country is a basic human right enshrined, *inter alia*, in Article 13 (2) of the 1948 Universal Declaration of Human rights and Article 12 of the 1966 International Covenant on Civil and Political Rights;
- (c) **Recalling** the OAU Convention governing the specific aspects of refugees problems in Africa of 10 September 1969 and in particular, Article V thereof, concerning voluntary repatriation;
- (d) **Recalling** that the United Nations General Assembly Resolution 428 (V) of 14 December 1950, adopted the Statute of UNHCR, which ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions to the problem of refugees, *inter alia*, by promoting and facilitating their voluntary repatriation;
- (e) **Considering** that voluntary repatriation, where feasible, constitutes the best durable solution for the refugee problem, and that Conclusions 18 (XXXI, 1980), 40 (XXXVI, 1985) and 101 (LV, 2004) of the Executive Committee of the High Commissioner's Program set out internationally accepted principles and standards governing the voluntary repatriation of refugees;
- (f) **Recognizing** the need to define the specific procedures and modalities for the voluntary repatriation of Burundian refugees from Rwanda, and their reintegration upon return in the Republic of Burundi, with the assistance of the Contracting Parties, United Nations agencies and intergovernmental and non-governmental organizations as appropriate;
- (g) **Noting** that the Government of the Republic of Burundi has expressed its commitment to support the voluntary repatriation of its nationals who are refugees through, among other measures, the institution of a Policy of Unity and National Reconciliation;

**HAVE AGREED as follows:**



**Article 1**

**RIGHT TO RETURN**

Any Burundian national who is a refugee in Rwanda and who wishes to return to the Republic of Burundi has the right to do so without having to satisfy any pre-condition.

**Article 2**

**VOLUNTARY CHARACTER OF REPATRIATION**

The Contracting Parties fully recognize the essentially voluntary character of the solution of voluntary repatriation and reaffirm that no Burundian refugee will be compelled to return against his or her will.

**Article 3**

**RESPONSIBILITIES OF THE COUNTRY OF ASYLUM:  
REPUBLIC OF RWANDA**

**Section 1: Recognition of Voluntary Character of Repatriation**

The Government of the Republic of Rwanda undertakes to guarantee the voluntary character of the repatriation of Burundian refugees and will take, in consultation with UNHCR, all measures necessary to uphold this fundamental principle inherent to international protection.

To this end, it will ensure that refugees are well informed about the security situation in Burundi and that they are able to freely decide whether or not to repatriate without coercion or pressure. The status of those refugees who decide not to voluntarily repatriate shall continue to be governed by relevant international protection principles and standards, particularly the 1951 Convention relating to the Status of Refugees, the 1969 OAU Convention, especially those provisions relating to the relocation of refugees away from common borders, the disarming of armed refugees and the prohibition from undertaking subversive activities as well as the Rwandan National Law for Refugees.

**Section 2: Access to Refugees**

The Government of the Republic of Rwanda shall continue to grant UNHCR free and unhindered access to refugees in its territory in accordance with Article III paragraph 5 of UNHCR's Cooperation Agreement with the Government of Rwanda of 10 August 1993 and will, in particular, facilitate UNHCR's supervisory and monitoring role under the Agreement, of the implementation of the repatriation operation in conformity with international conventions.

**Section 3: Exit formalities**

The Government of the Republic of Rwanda shall allow the free passage of returning refugees and waive customs charges and taxes on personal property. Exit and health formalities shall be as simple as possible.



#### **Section 4: Security Arrangements**

The Government of the Republic of Rwanda undertakes to ensure the safety and security of the repatriating refugees while on its territory, including in refugee camps, transit areas and during transport movements. The Government of the Republic of Rwanda will take all necessary measures to ensure the safety and security of UNHCR and implementing partner staff engaged in the voluntary repatriation operation.

#### **Article 4**

#### **RESPONSIBILITIES OF THE COUNTRY OF ORIGIN: REPUBLIC OF BURUNDI**

#### **Section 1: Voluntary Repatriation in Safety and Dignity**

The Republic of Burundi shall take all measures necessary to ensure that the refugees' voluntary repatriation takes place in safety and dignity and to create conditions conducive to their reintegration.

#### **Section 2: Entry formalities**

The Government of the Republic of Burundi shall simplify formalities for the refugees' return, facilitate entry of their goods and personal effects, and waive customs charges and taxes. Controls and inspections will be conducted with due respect for the decency and dignity of the returnees at transit centres inside Burundi.

#### **Section 3: Access to Returnees by UNHCR**

The Government of the Republic of Burundi shall facilitate the involvement of UNHCR by allowing free and unhindered access to all returnees on its territory. The Government of the Republic of Burundi will allow UNHCR to accompany returnees to their home areas and extend its full cooperation in facilitating UNHCR's monitoring of the condition of the returnees. The Government of the Republic of Burundi shall facilitate the movement of UNHCR and implementing partner staff, as well as vehicles, relief goods and equipment used by UNHCR and implementing partners in the voluntary repatriation and reintegration operation.

#### **Section 4: Security Arrangements**

The Government of the Republic of Burundi undertakes the responsibility of ensuring the safety and security of the repatriating refugees returning to its territory, including in transit areas and during transport movements. The Government of the Republic of Burundi will take all necessary measures to ensure the safety and security of UNHCR and implementing partner staff engaged in the voluntary repatriation and reintegration operation.



### **Section 5: Settlement of Returnees**

The Government of the Republic of Burundi shall take all necessary measures to allow returnees once home to settle in areas of their origin or choice if possible, and assist them to have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal or arbitrary manner during exile according to the provisions of the international texts cited in the Preamble as well as rules and regulations applicable in Burundi.

### **Section 6: Reintegration of Returnees**

The Government of the Republic of Burundi shall take necessary measures with a view to informing and sensitizing local populations residing in returnee areas, so as to ensure optimal conditions of reinsertion and of peaceful coexistence.

The Government of the Republic of Burundi guarantees the reintegration of all returnees into the country's socio-economic life. It also guarantees to all returnees equal enjoyment, with all Burundians, of all the socio-economic, civil and political rights of the nation as recognized in domestic and international law.

### **Section 7: Juridical status and Equivalency**

The Government of the Burundi shall recognise and regularise in conformity with Burundian legislation any changes in the personal status of Burundian refugees repatriating from Rwanda, including birth, death, adoption, marriage and divorce.

The Government of Burundi shall also seek in conformity with Burundian legislation to accord recognition, as appropriate, to the equivalency of academic and vocational diplomas and certificates obtained by refugees while in Rwanda.

## **Article 5**

### **RESPONSIBILITIES OF UNHCR**

#### **Section 1: To Ascertain Voluntariness**

UNHCR shall verify the voluntary character of the decision to return through free access to refugees.

#### **Section 2: To Facilitate Return and Reintegration in Safety and Dignity**

UNHCR shall facilitate the voluntary repatriation of the refugees in conditions of safety and dignity and contribute to the implementation of reintegration measures. In this respect, UNHCR will provide its assistance, if necessary in cooperation with other United Nations agencies and non-governmental organizations.



### **Section 3: To Address Special Protection Needs**

UNHCR shall ensure that the special protection needs of single women, unaccompanied minors and other vulnerable groups among the refugees are taken into full account. UNHCR will also be charged with ensuring, vis-à-vis the other Contracting Parties to this Agreement, that the refugees' fundamental rights, in particular the principle of family unity, are safeguarded.

### **Section 4: Ongoing Protection of Refugees**

UNHCR shall, in accordance with its Mandate, continue to provide international protection to those Burundian refugees who do not opt to repatriate. UNHCR will cooperate closely with the Government of the Republic of Rwanda to ensure that those refugees who meet the relevant criteria of the 1951 Convention and the 1969 OAU Convention, continue to enjoy asylum in Rwanda.

### **Section 5: Coordinating and Funding the Voluntary Repatriation and Reintegration Operation**

UNHCR will take the lead role with regard to all operational aspects. UNHCR will use its best efforts to mobilize the necessary resources for carrying out and funding the voluntary repatriation and reintegration operation.

## **Article 6**

### **TRIPARTITE COMMISSION FOR VOLUNTARY REPATRIATION**

#### **Section 1: Establishment of a Tripartite Commission**

The Contracting Parties hereby agree to establish a Tripartite Commission for the Voluntary Repatriation of Burundian Refugees in Rwanda.

#### **Section 2: Composition of the Tripartite Commission**

The Tripartite Commission shall be composed of twelve (12) members to be designated, whose names will be communicated to the other Contracting Parties within two weeks of the signing of this Agreement. The Governments of the Republic of Burundi and the Republic of Rwanda shall designate five (5) members each. UNHCR shall, through its Branch Offices in Burundi and Rwanda, designate two (2) members. The chairmanship of the Tripartite Commission shall alternate between a Representative of the Republic of Burundi and a Representative of the Republic of Rwanda. The Tripartite Commission may invite or authorize any individual or organization involved in the voluntary repatriation and reintegration operation to participate in its meetings in an observer capacity. Alternates may represent members of the Tripartite Commission in meetings.



### **Section 3: Meetings of the Tripartite Commission**

Meetings of the Tripartite Commission will take place in the Republic of Burundi, the Republic of Rwanda or any location as may be agreed upon by the Contracting Parties. It shall meet as often as consensus of the Contracting Parties deems necessary. The Chairman of the Tripartite Commission shall propose venue of meetings. The Tripartite Commission shall adopt its rules of procedure. The decisions of the Tripartite Commission will be recorded in minutes, which will be transmitted to the Contracting Parties.

### **Section 4: Role and Functions of the Tripartite Commission**

The Tripartite Commission is responsible for planning and monitoring the implementation of measures to facilitate voluntary repatriation of Burundian refugees and the reintegration of Burundian returnees in their communes of origin.

It shall ensure the implementation of the provisions of this Agreement, particularly those relating to returnee security and assistance. The Tripartite Commission shall periodically evaluate progress made and difficulties encountered. It shall seek solutions and devise measures of implementation by consensus.

### **Section 5: Missions by the Tripartite Commission**

Members of the Tripartite Commission may undertake missions to the Republic of Rwanda and the Republic of Burundi. The Contracting Parties shall be notified of the schedules of such missions. The two countries shall facilitate these missions by allowing free access to Burundian refugees and returnees. Members of the Tripartite Commission shall visit returnee areas to verify that measures relating to return in safety and dignity, as well as those aimed at facilitating reintegration of returnees, have been implemented. The Tripartite Commission will propose solutions to identified problems.

### **Section 6: Framework for Mass Information**

The Tripartite Commission shall develop an appropriate framework for a mass information campaign for Burundian refugees in the Republic of Rwanda, to provide them with relevant information on voluntary repatriation and reintegration to assist them to make an informed decision. If need be, the Tripartite Commission shall facilitate visits to the Republic of Burundi by refugee representatives in order for them to acquaint themselves with the prevailing situation in Burundi and to report to their groups accordingly.

### **Section 7: Arrangements for Registration**

The Tripartite Commission shall devise the most appropriate means of registering refugees who wish to repatriate.



**Section 8: Establishment of a Technical Working Group on  
Voluntary Repatriation**

The Tripartite Commission shall establish a Technical Working Group on Voluntary Repatriation and the Terms of Reference and Rules of Procedure of the latter.

**Section 9: Membership of the Technical Working Group on  
Voluntary Repatriation**

The Governments of the Republic of Burundi and the Republic of Rwanda shall each appoint four (4) persons to be members of the Technical Working Group on Voluntary Repatriation. UNHCR shall appoint two (2) persons. The persons so appointed may or may not be members of the Tripartite Commission. The Technical Working Group may invite or authorize any individual or organization involved in the voluntary repatriation and/or reintegration operation to participate in its meetings in an observer capacity.

**Article 7**

**COMMON PROVISIONS**

**Section 1: Information to the Tripartite Commission**

To assist the Tripartite Commission to fulfil its responsibilities, the Contracting Parties will make available to it all information relating to the implementation of this Agreement.

**Section 2: Application of this Agreement**

The Contracting Parties hereby recognize, as a matter of principle that all assurances and other provisions set out in this Agreement shall also apply to those Burundian refugees who spontaneously repatriate from Rwanda using their own means.

**Section 3: Exemption of Taxes for Relief Items**

All relief goods, materials, equipment and means of transport destined for use in the voluntary repatriation and reintegration operation shall be exempt from all customs charges and taxes. The movement of UNHCR staff and implementing partners as well as of vehicles and relief goods shall be facilitated.

**Article 8**

**FINAL CLAUSES**

**Section 1: Validity of Other Agreements**

This Agreement shall not affect the validity of any other existing agreements, arrangements or mechanisms of cooperation between the Contracting Parties. To the extent necessary or applicable by the three parties, such agreements, arrangements or mechanisms may be



relied upon and applied as if they formed part of this Agreement to assist in the pursuit of the objective of this Agreement, namely the voluntary repatriation of Burundian refugees in Rwanda.

### **Section 2: Resolution of Disputes**

Any question arising out of the interpretation or application of the present Agreement shall be resolved amicably through consultations among the Contracting Parties.

### **Section 3: Amendments**

The present Agreement may be amended by agreement among the Contracting Parties.

### **Section 4: Validity and Termination**

This Agreement shall remain in force until it is terminated by mutual agreement of the Contracting Parties or upon the issuance of written notice of termination by one signatory to the other signatories, which notice shall become effective at the end of ninety days from the date of issuance.

### **Section 5: Entry into Force**

This Agreement shall enter into force from the date of signature.





Done at Kigali this 18<sup>th</sup> day of August 2005, in six originals, three in English and three in French, both versions being equally authentic.



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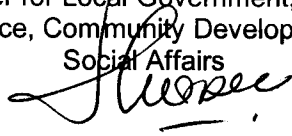
**Ms Françoise NGENDAHAYO**  
Minister for the Reinsertion and  
Reintegration of Displaced Persons and  
Returnees

For the Government of Burundi

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**Mr Protais MUSONI**

Minister for Local Government, Good  
Governance, Community Development and  
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For the Government of Rwanda



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**Mr Panos MOUNTZIS**  
UNHCR Representative Rwanda

For the Office of the United Nations High Commissioner for Refugees