

TRIPARTITE AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
LIBERIA, THE REPUBLIC OF CÔTE D'IVOIRE
AND THE OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES**

FOR

**THE VOLUNTARY REPATRIATION OF
REFUGEES FROM CÔTE D'IVOIRE LIVING IN
LIBERIA**



The Government of the Republic of Liberia and the Government of the Republic of Côte d'Ivoire (herein called "the Governments") and UNHCR (herein called "the High Commissioner" or "UNHCR"),

PREAMBLE

Recalling that Resolution 428 (V) of the UN General Assembly of December 4, 1950, which adopted the Statute of UNHCR which attributes to the Office of the High Commissioner the tasks of assuring the international protection and the identification of durable solutions for refugees, notably by promoting and facilitating their voluntary repatriation and their reintegration in their country of origin;

Noting the Convention on Privileges and Immunities of the United Nations, adopted in New York on February 13, 1946;

Noting the Headquarters Agreement between the Government of the Republic of Côte d'Ivoire and the Office of the High Commissioner of February 23, 1992;

Noting the Headquarters Agreement between the Government of the Republic of Liberia and the Office of the United Nations High Commissioner for Refugees of 18 August 1997;

Recognizing the rights of all citizens to leave their country and to return to the same is a fundamental right enshrined notably in Article 13(2) of the Universal Declaration of Human Rights of 1948 and in Article 12 of the International Covenant of 1966 on Civil and Political Rights;

Considering the Geneva Convention of July 28, 1951 and its Additional Protocol of January 31, 1967, as well as the Organisation of African Unity (OAU) Convention of September 10, 1969 governing the Specific Aspects of Refugee Problems in Africa, and more particularly Article V that defines international principles which govern voluntary repatriation;

Recognising that voluntary repatriation, when it is achieved, constitutes the best sustainable solution to refugee problems, and that Conclusions 18 (XXXVI, 1985), and 101 (LV, 2004) of the Executive Committee of the High Commissioner's Programme established recognized principles governing voluntary repatriation of refugees;



Recalling that the fundamental principles of establishing sustainable peace, stability, national unity and reconciliation in Côte d'Ivoire were laid out with the signing of the Ouagadougou Political Agreement on March 4, 2007 which anticipated notably in Point 6.5 the implementation of an assistance programme for the return of persons displaced as a result of war, and putting in place a Government of Reconciliation;

Recalling among other things that the provisions elaborating the implementation of the Ouagadougou Political Agreement which in part was being executed with the launching of the DDR Process, the creation of an integrated command Centre for the organization of fair hearings, the organization of joint operations to identify and register the populations, and the effective deployment of civil administrative agents in Côte d'Ivoire;

Recalling that the Constitution of the Republic of Côte d'Ivoire of August 1, 2000 expounded in its Article 12(1) that "No Ivorian can be forced into exile";

Recognizing the need to define the procedures and specific modalities of the voluntary repatriation and reintegration of Ivorian refugees in Liberia, with the assistance of the international community, through the intermediary of UNHCR with the support of agencies and structures of the United Nations and intergovernmental organizations and non-governmental organizations, if necessary;

Have agreed as follows:

I. GENERAL PRINCIPLES

ARTICLE 1

Definitions

For the purposes of the present Agreement:

1. The term "**Refugee**" is understood to be Ivorian citizens or former residents of the Republic of Côte d'Ivoire, who are in Liberia as refugees.
2. The term "**Repatriated Refugee**" makes reference to every refugee such as defined in paragraph 1 of the present article, who has voluntarily returned to Côte d'Ivoire under the present Agreement.



3. The term “**Parties**” makes reference to the Government of the Republic of Côte d’Ivoire, the Republic of Liberia, and the Offices of UNHCR in Côte d’Ivoire and Liberia.
4. The term “**Commission**” is understood to be the Tripartite Commission for Voluntary Repatriation established by the Parties in Article 22 of the present Agreement.

ARTICLE 2

Voluntary character of Repatriation

1. The Parties reaffirm by the present Agreement that the voluntary repatriation of refugees from Côte d’Ivoire in Liberia must be as a result of free wish expressed by the latter, based on their solid knowledge of the prevailing situation in Côte d’Ivoire. Practical Modalities will guide the implementation of this provision.
2. The Parties agree by the present Agreement that refugees from Côte d’Ivoire who do not wish to be part of the voluntary repatriation programme will not directly or indirectly be constrained to return to Côte d’Ivoire and that their status will continue to be governed by the principles, norms and standards of international protection..

ARTICLE 3

Return in safety and dignity

1. The Parties agree that the free voluntary repatriation of Ivorian refugees under the present Agreement will take place when the conditions are favorable to return refugees in safety and dignity to their final destination in Côte d’Ivoire.
2. The Government of the Republic of Liberia will be responsible for the safety of refugees seeking voluntary repatriation as long as they are found on the territory of Liberia, including in refugee camps, the gathering zones and from the moment of departure in convoys to the designated borders. The Government of the Republic of Côte d’Ivoire will be responsible for the safety of repatriated refugees from the moment the latter arrive in the territory of the Republic of Côte d’Ivoire.



ARTICLE 4

Preservation of family unity

1. In accordance with the principle of family unity, UNHCR, in collaboration with the Government, will put in place mechanisms to ensure that refugee families are not arbitrarily separated but repatriated together. When these efforts do not succeed, a mechanism will be put in place so that family members can be reunited upon arrival in Côte d'Ivoire.
2. To preserve family unity, the spouses and, or the children of repatriated refugees who are not citizens of the Republic of Côte d'Ivoire, will be authorized to enter and reside in Côte d'Ivoire. This principle will be applied to spouses and non Ivorian nationals or habitual residents and to children of deceased Ivorian refugees who enter and stay in Côte d'Ivoire to remain with their families.

ARTICLE 5

Freedom of choice of destination

The parties reaffirm that refugees have the right and freedom to return and establish themselves in their former places of residence or in any other place of choice in Côte d'Ivoire.

ARTICLE 6

Legal status and Equivalences

1. In case of necessity, in order to preserve personal legal status acquired by refugees during their stay in Liberia, the Government of the Republic of Liberia will legalize, authenticate and deliver to them all necessary documents (birth certificates, death certificates, adoption papers, marriage certificates, divorce certificates, etc.) in this regard. An accelerated procedure will be put in place in view of the voluntary repatriation.
2. Similarly, the Government of the Republic of Liberia will provide to those candidates seeking repatriation all supporting documentation for studies undertaken during their stay in Liberia.



3. The Government of the Republic of Côte d'Ivoire will recognize the changes of personal status of refugees who return from Liberia, including births, deaths, adoptions, marriages and divorces.
4. The Government of the Republic of Côte d'Ivoire will put in place mechanisms to enable it to recognize, on a case by case basis, diplomas/degrees from universities or professional institutions obtained by refugees during their stay in Liberia.

ARTICLE 7

Access to refugees and repatriated refugees

1. In order to effectively carry out its functions in providing assistance and international protection, UNHCR will freely have access to all Ivorian refugees in Liberia and to all repatriated refugees in zones of return in the Republic of Côte d'Ivoire. In the same manner, all refugees and repatriated refugees will have free access to UNHCR in Liberia and in Côte d'Ivoire.
2. The Government of the Republic of Côte d'Ivoire will cooperate fully with UNHCR to assure that the repatriating refugees are treated in accordance with humanitarian norms and human rights standards, as well as the implementation of commitments spelt out in the present Agreement.
3. To permit UNHCR to exercise its functions to monitor according to paragraphs 1 and 2 of the present article, the Government of the Republic of Côte d'Ivoire will inform UNHCR of all arrests, detention and legal procedures involving repatriated refugees; will provide UNHCR with every pertinent legal documentation on issues in question; and will allow UNHCR to have free access to those repatriated refugees who may be arrested or detained.
4. Access provided to UNHCR under the first paragraph of the present Article must be, if necessary, extended to other agencies of the United Nations or to international or national non-Governmental organisations with whom UNHCR has concluded agreements for the implementation of a, or several components of the operation of the repatriation envisaged in this Agreement.



ARTICLE 8

Guarantees after the return

1. The Government of the Republic of Côte d'Ivoire will undertake and implement legislative measures and regulations on the rights and the security of repatriated refugees, so as to enable refugees to return voluntarily without fear of harassment, intimidation, persecution, discrimination, legal prosecution or other punitive measures for having left Côte d'Ivoire or for having sought refuge from return to the Republic of Côte d'Ivoire as refugees.
2. Those repatriated will benefit from pertinent arrangements of the law no. 2003-309 of August 8, 2003 bearing amnesty, modified by ordinance no. 2007 457 of April 12, 2007 bearing amnesty currently in force in Côte d'Ivoire.
3. All persons who have committed crimes against humanity, war crimes or any other serious violation of international humanitarian rights will not benefit from the law of amnesty or clemency in force in Côte d'Ivoire.
4. The Government of Côte d'Ivoire will ensure that repatriated refugees have access to land to establish themselves and to farm, according to the national legislation in place and the pertinent international conventions to which Côte d'Ivoire is party.
5. The Government of the Republic of Côte d'Ivoire will facilitate, in as much as possible, all measures of reintegration by repatriated refugees through restitution of lands or other personal effects, in accordance with the national legislation in place and pertinent international conventions of which Côte d'Ivoire is a party.
6. The Government of the Republic of Côte d'Ivoire will ensure that all repatriated refugees would be exempt from paying various taxes such as, income tax, import duties and national financial obligations for a period of six months or for other duration as may be deemed necessary, in accordance with arrangements provided by national legislation.



II. ADDITIONAL RESPONSIBILITIES OF THE PARTIES

ARTICLE 9

Role of supervision

1. The Governments commit themselves to firmly respect the supervisory and coordination role of the voluntary repatriation of refugees by UNHCR, to ensure that the repatriation is voluntarily carried out according to conditions of safety and dignity.
2. Correlatively, UNHCR commits itself to cooperate with all interested Government structures, the United Nations, as well as international and non-Governmental organizations registered in Liberia and involved with providing assistance to refugees from Côte d'Ivoire, and for the implementation of voluntary repatriation.

ARTICLE 10

Rehabilitation of refugee reception centres

At the end of the voluntary repatriation operation, UNHCR will play its role as a catalyst, with a view to soliciting support from the international community, particularly donors, to serve the needs of zones that have been affected by the presence of refugees.

ARTICLE 11

Spontaneous return

1. The Parties recognize here, in principle, that all guarantees and other arrangements stated in this present Agreement and which govern the voluntarily repatriation of refugees from Côte d'Ivoire in Liberia will be applied also to those who enter Liberia by their own means.
2. The Parties recognize here, in principle that refugees from Côte d'Ivoire in Liberia who would decide to return without assistance, will be authorized to do so at their own rhythm and by their own means.

ARTICLE 12

Public Information Campaigns

1. In cooperation with the Government, UNHCR will organize a campaign destined to provide refugees with relevant, objective and accurate information on the repatriation and on reintegration in Côte d'Ivoire, so

that they can make a well informed decision regarding voluntary repatriation.

2. The parties will facilitate visits of Ivorian authorities and other actors to Liberia to meet the Ivorian refugees so that refugees are informed of the prevailing situation in Côte d'Ivoire.
3. As to create favourable conditions of reintegration of repatriated refugees in safety and dignity, the Government of the Republic of Côte d'Ivoire will take all necessary measures to prepare the populations residing in regions where refugees are going to be repatriated.

ARTICLE 13

Acknowledgement visits by Refugee Representatives

The parties will facilitate, where necessary, visits to Côte d'Ivoire by select representatives of the refugee population in Liberia, so that they could acquaint themselves with the situation prevailing in potential regions of return and report to the refugees in Liberia (Go and See visits).

1. The Parties will see to it that Go and See visits are held in a reasonable timeframe before the promotion of the voluntary repatriation.
2. The Government of the Republic of Côte d'Ivoire will be responsible for the safety of the refugee representatives during Go and See visits in Côte d'Ivoire and the two Governments will permit the refugees to return to Liberia at the end of such visits.

ARTICLE 14

Registration and Documentation

1. As guarantor of the voluntary character of the decision to return, UNHCR will plan, in consultation with the Governments, the most appropriate means to register the presence, personal information and intentions of refugees from Côte d'Ivoire in Liberia who express the wish to be repatriated.
2. The Voluntary Repatriation Form (VRF) issued by UNHCR on the basis of registration data will be recognized by the Government as a valid identification document in Liberia and Côte d'Ivoire, as well as an official travel document during the Voluntary Repatriation until repatriating refugees reach their final destination in Côte d'Ivoire. The format of this



form will be decreed by common agreement amongst the parties and included in the practical modalities to this Agreement.

3. The Government of the Republic of Côte d'Ivoire will facilitate the delivery of administrative documents needed by repatriated refugees.

ARTICLE 15

Particular measures for the Vulnerable Groups

The Parties will take particular measures so that groups with specific needs will benefit from protection, assistance and adequate care during all parts of the repatriation and reintegration processes, according to pertinent international principles and legal standards.

ARTICLE 16

Transfer of detainees

The Governments accept according to the Extradition Treaty between the Republic of Liberia and the Republic of Côte d'Ivoire of August 24, 1972 and the Organization of African Unity (OAU) Convention of September 10, 1969 Governing the Specific Aspects of Refugee Problems in Africa, that the refugees from Côte d'Ivoire who committed non serious political crimes in Liberia and who have been judged and sanctioned, be transferred to Côte d'Ivoire if they wish. The parties will cooperate to assure that the appropriate arrangements will be established to transport and transfer them.

ARTICLE 17

Agreed points of Entry

1. The Parties will agree on the mode of repatriation of refugees from Côte d'Ivoire, by land, air or water, as appropriate.
2. The Parties will come to an understanding on border exit and entry points for organized voluntary repatriation movements. The agreement as to border crossing points can be modified according to operational needs.
3. The Government of the Republic of Côte d'Ivoire will facilitate UNHCR's direct access by air to the airfields in the Republic of Côte d'Ivoire that are closest to the destinations of repatriating refugees even if these are not among the designated entry points. The Government of the Republic of the Côte d'Ivoire will also facilitate customs and immigration formalities at these airports.



ARTICLE 18
Customs, Quarantine and Immigration formalities

1. To assure the rapid return of refugees and their belongings, the Governments will facilitate at transit points, expedited quarantines, customs and immigration formalities normally carried out at border crossings.
2. The personal belongings of the repatriating refugees, including livestock and foodstuffs designated for personal consumption, will be exonerated from all customs duties and taxes.
3. The Governments will also abandon all rights or taxes on passengers as well as other road, maritime or airport taxes for vehicles that enter or transit on their respective territories, under the auspices of UNHCR, in the framework of the repatriation operation.

ARTICLE 19
Movement and security of personnel and resources of UNHCR

1. The Governments will facilitate the movements of personnel of UNHCR and its operational partners, as well as vehicles, personal effects and equipment used for the operations in Liberia and Côte d'Ivoire.
2. The Governments will authorize UNHCR to deliver to its personnel, for the duration of the repatriation operation, documents to facilitate their passage at the borders in two directions, the format of which will be decided by a common agreement between the parties.
3. The Governments will take appropriate measures to assure security of UNHCR and partner personnel and of all personnel engaged in the repatriation operation that is the subject of the present Agreement.

ARTICLE 20
Personal effects, material and equipment

1. UNHCR will do its best to obtain from the international community the necessary resources to implement the repatriation operation and integration activities in Côte d'Ivoire.
2. The Governments will exonerate taxes, rights and deductions in respect of all personal effects, material equipment and means of transport designated for the repatriation and reintegration operations. The Governments



authorize UNHCR to function effectively and without license fees for its equipment, frequencies and United Nations communication networks and will facilitate the granting of other frequencies each time operational needs arise. The written authorizations required to facilitate the transfer of equipment across borders and to ensure cross-border functioning of communication frequencies and networks, will be delivered to UNHCR, on request.

ARTICLE 21
Additional UNHCR Offices

UNHCR may open additional offices, in places to be defined by the concerned Government each time it deems necessary, with a view to carrying out most effectively its responsibilities arising from the present Agreement.

III. TRIPARTITE COMMISSION ON VOLUNTARY REPATRIATION

ARTICLE 22
Creation of the Tripartite Commission

1. The Parties create by the present Agreement a Tripartite Commission charged with the Voluntary Repatriation of Ivorian refugees from Liberia.
2. The Parties will cooperate with members of the Commission at all stages of the Voluntary Repatriation.

ARTICLE 23
Composition of the Commission

1. The Commission will be composed of six (6) members. The Government of the Republic of Côte d'Ivoire and the Government of the Republic of Liberia will each designate two members and their replacements. UNHCR will designate two members, one chosen from its representation in Côte d'Ivoire and the other from its representation in Liberia. The names of the members and their replacements will mutually be communicated in the month that follows the signature of the present Agreement.



ARTICLE 24
Role and function of the Commission

1. The Commission is charged to study questions or measures necessary to promote and implement the voluntary repatriation of Ivorian refugees from Liberia; and to counsel the Parties.
2. The Commission may solicit experts or observers, all persons or contributions which would enlighten its opinion or positions.

ARTICLE 25
Meetings of the Commission

1. The Commission adopts its own internal regulations.
2. The meetings of the Commission could be called each time that is necessary, at a venue agreed by its members, according to its internal regulations.

ARTICLE 26
Validity of other Agreements

Nothing in, or relating to, this Agreement shall be interpreted so as to conflict with the validity of any other agreement, arrangement or mechanism of cooperation existing between the Governments and UNHCR, including every agreement from headquarters. Where appropriate, these agreements or mechanisms could be invoked and applied to facilitate the implementation of the objectives of the present Agreement, which relates to the freely consented repatriation and reintegration of Ivorian refugees.

ARTICLE 27
Privileges and Immunities

No part of the present Agreement or that which refers to it, will be considered as a waiver, explicit or implied, to the privileges and immunities whatsoever, which may be enjoyed by UNHCR as part of the United Nations, in accordance with international conventions or any other agreement, law or decree of international, national or other character.



ARTICLE 28
Resolution of Disputes

Any dispute arising from the interpretation or application of this Agreement for which no provision is expressly made herein, shall be resolved amicably through consultations between the parties in accordance with internationally recognised standards.

ARTICLE 29
Coming into Force

The present Agreement will enter into force as of the signature of the Parties.

ARTICLE 30
Amendments

The present Agreement could be amended by the written mutual consent between the Parties.

ARTICLE 31
Validity

1. The present Agreement will remain in force until it is ended by common agreement by the Parties, once the repatriation operation is completed.
2. Therefore, the present Agreement has been signed by the below designated representatives.

Done in Abidjan, August 11, 2011

For the Government of the Republic of Liberia

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For the Government of the Republic of Côte d'Ivoire

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For the Office of the United Nations High Commissioner for Refugees

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