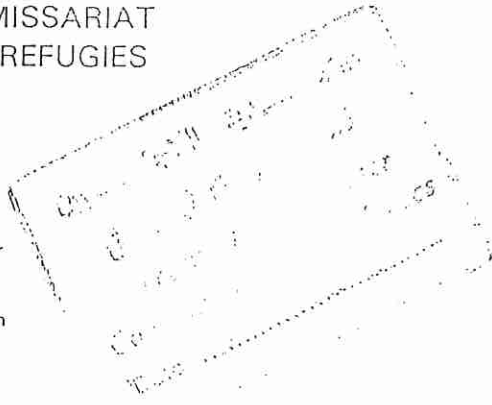


NATIONS UNIES  
HAUT COMMISSARIAT  
POUR LES REFUGIES

UNITED NATIONS  
HIGH COMMISSIONER  
FOR REFUGEES

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## AGREEMENT

between

The Office of the United Nations High  
Commissioner for Refugees

and

The Government of the Republic of Sudan

and

The Government of the State of Eritrea

for

The Voluntary Repatriation of Eritrean  
refugees in the Sudan and their  
re-integration in Eritrea

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The Office of the United Nations High Commissioner for Refugees (hereinafter referred to as "UNHCR") of the one part, and the Government of the State of Eritrea (hereinafter referred to as "the Eritrean authorities") of the second part, and the Government of the Republic of Sudan (hereinafter referred to as "the Sudanese authorities") of the third part, who shall collectively hereinafter also be referred to as the "Parties":

Recalling further the Memoranda of Understanding separately concluded by the Eritrean authorities and Sudanese authorities with UNHCR on 16 April, 1994 and 6 September, 1994 respectively for the voluntary repatriation of Eritrean refugees from the Sudan;

Noting that in the intervening period, some Eritrean refugees have been able to voluntarily return to Eritrea;

Noting further that the majority of Eritrean refugees who still remain in the Sudan have expressed the desire to be assisted to return to their homeland;

Recognising the basic human right of all citizens to leave and to return to their country as enshrined in Article 13(2) of the 1948 Universal Declaration of Human Rights, which the Eritrean authorities have acknowledged and declared, through the document entitled "Remarks Concerning Legal Assurances for Refugees" issued on 11 December, 1991, that all Eritrean nationals and/or their spouses and children (including surviving non-Eritrean spouses and/or children) have the inalienable right freely to return to Eritrea without fear of imprisonment, persecution, incrimination or discrimination on account of one's political opinion, race, religion or membership to any social group;

Mindful that the United Nations General Assembly Resolution Number 428 at its Vth Session of 14 December, 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection, under the auspices of the United Nations, to refugees and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organisations to facilitate the voluntary repatriation of such refugees;

Further mindful that voluntary repatriation, whenever feasible, constitutes the best durable solution for the refugee problem, and that Conclusion Numbers 18 (XXXI Session) and 40 (XXXVI Session) of the Executive Committee of the High Commissioner's Programme set out internationally accepted principles and standards governing the voluntary repatriation of refugees;

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ARTICLE III  
Right of Return

1. The Government of the State of Eritrea affirms and re-iterates its acceptance of the principle that all its nationals have an inalienable right to freely return to Eritrea without fear of imprisonment, persecution, incrimination or discrimination on account of one's political opinion, race, religion or membership to any social group.
2. The spouses of Eritrean nationals (irrespective of their nationality) and their children, including surviving non-Eritrean spouses and/or children as well as their direct dependants shall be entitled to freely return to or enter Eritrea.

ARTICLE IV  
Responsibilities for the safety and security of the returnees

1. In order to ensure that the returns occur in conditions of safety and dignity, the Sudanese authorities shall retain the responsibility for the safety and security of the repatriating refugees while on Sudanese territory including in the camps or settlement areas, staging areas and during convoy movements *en route* to the designated border crossing points, be they by land sea or air.
2. The Eritrean authorities shall extend the same protective measures to returnees as are extended to the existing population on Eritrean territory.

ARTICLE V  
Cases of disputed Nationality/Citizenship

1. If a dispute or issue should arise concerning the nationality or citizenship of a person wishing to voluntarily repatriate, such dispute or issue shall not constitute an impediment to the person's return and any such dispute or issue shall be resolved upon return to Eritrea, within the judicial procedures and systems of Eritrea.

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## ARTICLE IX

### Establishment of a Tripartite Repatriation Commission and Tripartite Technical Committee(s)

1. A Tripartite Repatriation Commission (hereinafter referred to as the "Commission") is hereby established for the purpose of overseeing the voluntary repatriation exercise under this Agreement. The Commission shall establish such Technical Committees, as it deems necessary and shall entrust them with full powers to transact business on its behalf.
2. The Repatriation Commission shall be composed of one representative each from the Eritrean Relief and Refugee Commission (ERREC) or any other successor body; the Office of the Commissioner for Refugees in Sudan (COR) or any other successor body and UNHCR.
3. The representatives may be accompanied by such advisors as each party may deem necessary.
4. The Meetings of the Commission) shall be as frequent as the exigencies of the voluntary repatriation exercise dictate and shall alternate between Sudan and Eritrea.
5. UNHCR shall in addition serve as the Secretariat of the Commission and convene its Meetings whenever necessary in consultation with both the Sudanese and Eritrean authorities or at the request of any of the Parties.
6. Where the exigencies of the work of the Commission dictate, and either the Sudanese or Eritrean authorities are unable to be represented by their representative from the Capital, they shall be represented by their respective Embassy personnel in each other's Capital where the Meeting is scheduled to take place.
7. The Commission shall consider such matters, and take such decisions as may be necessary to facilitate the speedy and practical implementation of the voluntary repatriation exercise, and related matters in accordance with accepted humanitarian principles. The Commission shall also be responsible for the resolution of procedural issues and problems that may arise in the course of the repatriation.
8. The Commission may co-opt any person or Organisation to attend its or their Meetings for the purpose of giving specialised advice or

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### ARTICLE XIII

#### The provision of Information, Registration and Pre-departure formalities

1. Under the auspices of UNHCR, the Parties shall jointly provide objective and accurate information to the refugees and launch comprehensive information campaigns among the refugees in order to create a reasonable and realistic awareness of the repatriation programme and re-integration programme so that the refugees can take informed decisions to return.
2. The Voluntary Repatriation Forms will serve as valid Travel and Temporary Identity Documents for the purpose of the voluntary repatriation, and receipt of assistance in Eritrea, as well as the obtention of Eritrean documents of Identity for those returnees who may not already have these and subject to the provisions of Article IV, where this is applicable.
3. After registration, summary statistics of returnees by chosen area of return will be established and transmitted to the relevant Eritrean authorities. Detailed information on the returnees will be provided to the Eritrean authorities through the actual passenger manifests.

### ARTICLE XIV

#### Sensitization of local population in areas of return

The Eritrean authorities shall, with a view to creating conditions conducive to the reception and re-integration of the returnees in safety and dignity, take all necessary measures to sensitize the local population living in areas where the refugees will be repatriating.

### ARTICLE XV

#### Spontaneous Returnees

1. The State of Eritrea hereby recognises and agrees that all assurances, guarantees and the terms and conditions of this Agreement shall equally apply to those Eritrean refugees who may spontaneously return to Eritrea from the Sudan. Modalities shall be devised in favour of such refugees to ensure that they are assisted with their re-integration process.
2. In as much as possible, such refugees/returnees shall be encouraged to report respectively to the Sudanese or Eritrean authorities and UNHCR for registration prior to their departure from Sudan or following their arrival in Eritrea.

ARTICLE XVIII  
Movement and security of UNHCR,  
Implementing staff and resources

1. The Eritrean and Sudanese authorities shall facilitate the movement of staff and personnel of UNHCR and its Implementing Partners as well as vehicles, relief goods and equipment used in the operation into, within and out of the Sudan and Eritrea. In particular, they shall authorise UNHCR to issue two-way cross border Travel Authorisations whose format shall mutually be agreed by the two authorities and UNHCR, to such staff and personnel for the duration of the voluntary repatriation operation.
2. The Eritrean and Sudanese authorities shall take appropriate steps to ensure the security and safety of UNHCR staff and all other personnel engaged in the voluntary repatriation operation.

ARTICLE XIX  
Relief Goods, Materials and Equipment

1. UNHCR shall apply its best endeavours to obtain the resources required from the international community for implementing the repatriation operation and the re-integration activities in Eritrea.
2. The Eritrean and Sudanese authorities shall exempt from the relevant Government taxes, duties and other levies all relief goods, materials, equipment and means of transport intended for use in the repatriation and re-integration operation. In addition, the two authorities shall expedite the clearance and handling procedures of all such resources.
3. The two authorities hereby authorise UNHCR to use United Nations communications equipment, frequencies and networks, including cross border networks and shall, whenever operational requirements dictate, endeavour to secure the allocation of additional frequencies from the respective competent authorities.

*MSB*

*W. J. ...*

*MSB*

ARTICLE XXIII  
Special Measures for Vulnerable Groups

The parties shall take special measures to ensure that vulnerable groups receive adequate protection, assistance and care throughout the repatriation and re-integration process.

ARTICLE XXIV  
Juridical Status

1. In order to ensure that all juridical status of Eritrean refugees, that is, births, deaths, adoptions, marriage, divorce etc., which occurred in the Sudan is recognised in Eritrea, the Government of Sudan shall issue such documents as are necessary to show such status and legalise or authenticate the same where necessary.
2. For their part, the Eritrean authorities shall recognise such juridical status.

ARTICLE XXV  
Recognition of Certificates and Equivalency

The Government of Eritrea shall seek to accord recognition, as appropriate, to the equivalency of academic and vocational skills, diplomas and certificates obtained by the refugees while in the Sudan.

ARTICLE XXVI  
Continued Validity of Prior Agreements

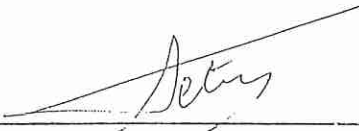
The validity of the prior Agreements referred to in the Preamble to this Agreement, insofar as they relate to the rights of refugees who already returned to Eritrea, are not affected and, in particular, this Agreement shall not affect UNHCR's monitoring role in favour of those refugees.

*MA*

*W. H. H.*

*MA*

THUS DONE at GENEVA, on this Seventh day of April in the year 2000 in three originals in the English language, all three texts being equally authentic.

  
\_\_\_\_\_  
For the Office of the  
United Nations High  
Commissioner for  
Refugees

  
\_\_\_\_\_  
For the Government of  
the Republic of Sudan

  
\_\_\_\_\_  
For the Government of  
the State of Eritrea



Joint Communiqué  
(Conclusion of the Tripartite Agreement for the Voluntary  
Repatriation and re-integration of Eritrean refugees from the  
Sudan) 7 April, 2000

1. Tripartite negotiations involving the Government of the Republic of Sudan, the Government of the State of Eritrea, and the Office of the United Nations High Commissioner for Refugees, for the voluntary repatriation of Eritrean refugees in the Sudan, were held in Geneva from 6 – 7 April, 2000.
2. Dr. Al Aghbash Commissioner for Refugees, led the Sudanese Delegation and that of the State of Eritrea was headed by Madame Worku Tesfamichael, Commissioner for Refugees. Mr. Albert-Albert Peters, Director for the Africa Bureau, led the UNHCR Delegation.
3. The discussions culminated in the conclusion of an Agreement, which will constitute the Legal Framework for the return of the Eritrean refugees. The initial plan is to repatriate some 160,000 refugees, the majority of whom have expressed the desire to be assisted to return home.
4. The Agreement recognises the strictly voluntary nature of repatriation, and contains all established principles for conducting voluntary repatriation. Specifically, the Agreement recognises the fundamental right of the refugees to return to their homeland; their prerogative to send representatives to their country of origin to see the prevailing situation so that they can return and brief others; and UNHCR's monitoring role, on behalf of the international community, to ensure that the returns are strictly voluntary, as well as to monitor the consequences of return.
5. The Agreement envisages the development of detailed Operation Plans which will cover among other things, the reintegration activities in Eritrea as well as the programme for the rehabilitation of refugee affected areas in the Sudan.
6. In their statements at the Meeting, both the Eritrean and UNHCR Heads of Delegations paid tribute to Sudan for having hosted the Eritrean refugees. On his part, the Leader of the Sudanese Delegation pledged his Government's commitment to facilitate the repatriation as well as to continue providing protection to those refugees who do not opt to return at this time, with the assistance of UNHCR, and on the basis of applicable principles of asylum.
7. The Parties wish to underline the fact that refugees will not be returned to conflict-affected areas.
8. The Parties agreed that the Commission will hold its inaugural Meeting from 27 – 28 April, 2000 in Asmara, Eritrea.

Issued by UNHCR and the Governments of the State of Eritrea and the Republic of Sudan