

**MEMORANDUM OF UNDERSTANDING (MoU) ON THE OPERATIONAL CO-
OPERATION FRAMEWORK BETWEEN THE OFFICE OF THE UNITED
NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE GOVERNMENT
OF THE REPUBLIC OF ARMENIA**

PREAMBLE

The Office of the United Nations High Commissioner for Refugees (UNHCR), represented by the Representative of UNHCR Branch Office in Yerevan and the Government of the Republic of Armenia (GoA), represented by the Minister Coordinating the Territorial Management and Infra-structural Activities, (hereafter "the Parties"),

Recalling that the Republic of Armenia (RA) acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, (12 April 1993)

Recalling that the RA acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, (16 March 1994)

Recalling that the RA acceded other international and regional treaties and agreements in the areas of protection of asylum-seekers and refugees, reduction of statelessness and protection of human rights,

Welcoming RA's accession to the Council of Europe in its continuous endeavour to provide protection to refugees, search for their durable solutions and reduce statelessness,

Recognising the respective mandates and responsibilities of the GoA and UNHCR,

Reaffirming the mutual pledge between the Parties to continue and enhance their co-operation in fulfilling the RA's international obligations for protection of asylum-seekers refugees, search for durable solutions and the reduction of statelessness in accordance with international standards and norms,

Have agreed to the following:

I. GENERAL PROVISIONS

1.1. The purpose of this Memorandum of Understanding (MoU) is to reaffirm the commitment of the Parties to promote institutional collaboration in:

- (1) establishing the institution of protection and asylum in the RA consistent with international standards and norms;
- (2) searching for durable solutions for refugees, in particular, the socio-economic and legal integration of refugees from Azerbaijan;
- (3) reducing present and potential statelessness; and
- (4) strengthening the capacity of the governmental institutions in order for the GoA to assume increased responsibility for addressing the above enumerated three areas.

1.2. The GoA, as a signatory to the 1951 Convention relating to the Status of Refugees and other international and regional instruments, has the responsibility to address the issues related to refugees and stateless persons through national legislation and policies as well as the provision of adequate resources for its effective implementation.

2. THE ROLE OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

2.1. The GoA has designated its Department for Migration and Refugee Affairs (DMR) as the state body for co-ordinating the policies and structures designed to discharge its responsibilities for the protection and assistance of asylum seekers and refugees. The GoA will provide DMR with adequate human, material and financial resources for this purpose and ensure continuity of institutional development.

2.2. Acting in accordance with international instruments mentioned in the Preamble of this MoU and national legislation, the GoA undertakes to:

- 1) improve and ensure effective implementation of the Law on Refugees and provisions of other national laws related to the protection of asylum-seekers and refugees in accordance with international standards and norms;
- 2) improve legislation related to citizenship and its implementation in accordance with international standards and norms in order to reduce statelessness;
- 3) assist refugees who fled from Azerbaijan in 1988-92 in their socio-economic and legal integration through inclusion in national poverty reduction and economic recovery programmes, including seeking funds and resources from international development institutions, other UN agencies, governmental and private donors and NGOs;
- 4) establish and maintain effective co-ordination amongst DMR, the Ministry of National Security, Border Guards, Ministry of Interior and other relevant governmental bodies in ensuring the protection of asylum-seekers and refugees;
- 5) establish and maintain effective co-ordination with other ministries, in particular the Ministry of Interior, the regional Governors' offices (Marzpets) and Local Self-governmental structures for further implementation of simplified mechanisms for granting citizenship to refugees;

- 6) ensure the needs of refugees are integrated into the national social service and protection programmes;
- 7) provide adequate funds and resources from within the national budget to support the work of DMR;
- 8) support and co-operate with NGOs in ensuring protection and seeking durable solutions for refugees;
- 9) support the exemption of humanitarian assistance from taxation in accordance with the national legislation;
- 10) allocate buildings for repair/remodelling in order to provide permanent shelter for refugees;
- 11) facilitate the process of privatisation of properties in favour of refugees and those who acquired RA citizenship in accordance with national legislation.
- 12) update and make available on a regular basis reliable statistics, locations and other pertinent data on refugees in line with Paragraph 8 (f) of the Statute of the Office of the United Nations High Commissioner for Refugees and Article 35.2. of the 1951 Convention as well as EXCOM Conclusion 91 (LII) - 2001.

3. ROLE OF THE UNHCR BRANCH OFFICE IN THE REPUBLIC OF ARMENIA

- 3.1. UNHCR, on the basis of the Statute of UNHCR, the 1951 Refugee Convention and subsequent United Nations General Assembly resolutions, in co-operation with the GoA and close collaboration with DMR, Marzpets and Local Self-governmental Structures, relevant UN Organisations, NGOs, Donors and other international agencies, will support the GoA in providing protection to asylum-seekers and refugees, seeking their durable solutions and reducing the statelessness.
- 3.2. UNHCR will continue its support and assistance to the GoA in providing protection and humanitarian assistance to asylum-seekers and refugees, seeking their durable solutions and reducing the statelessness within the framework of the 1951 Geneva Convention and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, as well as the 1999 Armenian Law on Refugees, the 1995 Citizenship Law and other national legislation relating to integration and naturalisation of refugees.
- 3.3. In accordance with its mandate, UNHCR will undertake to:
 - 1) provide the GoA with targeted technical, material and financial support to establish and reinforce a system of effective protection and assistance for asylum seekers and refugees in accordance with international standards and norms;
 - 2) provide the GoA with targeted technical and financial support to seek durable solutions for refugees in Armenia with an emphasis on the socio-economic and

legal integration of refugees from Azerbaijan who arrived in Armenia between 1988-92;

- 3) promote the naturalisation of refugees from Azerbaijan jointly with the GoA in order to reduce the potential of statelessness and to assist them to be better integrated into the Armenian society;
 - 4) render targeted humanitarian assistance to the most vulnerable refugees and former refugees who have acquired citizenship through its implementing partners in consultation with the GoA;
 - 5) strengthen the institutional capacity of DMR, the Marzpets, Social Protection Departments, Regional Centres of Social Services and local NGOs to address refugee related issues;
 - 6) advocate for the inclusion of refugee needs, especially those from Azerbaijan, in the RA's national poverty reduction and economic recovery programmes with relevant ministries and branches of the GoA, bilateral and multilateral donors, UN agencies, international organisations and NGOs.
 - 7) mobilise financial and other resources to complement those provided by the GoA in order to assist the GoA in the provision of adequate and effective protection and assistance to asylum-seekers and refugees, the implementation of durable solutions and the reduction of statelessness.
- 3.4. In the process of strengthening the local capacity to manage the protection and naturalisation programme for refugees and asylum seekers, UNHCR has provided technical support to the Passport and Visa Department of the Ministry of Interior of the GoA and will enhance its co-ordination with this Department through regular sharing of information, discussions and meetings on issues related to refugees and asylum seekers.

4. SPECIAL PROVISIONS

- 4.1. The Parties confirm their commitment for the implementation of this MoU. The Parties shall also monitor and jointly review the implementation of the activities under this MoU through the meetings called by either Party to this MOU. The Parties shall maintain open dialogue and consultations throughout the term of this MOU.
- 4.2. Any dispute or controversy or claim arising out of relation to this MoU, or any breach, termination or invalidity thereof, shall be, unless settled amicably through the negotiation, submitted to arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law. Any award rendered pursuant to this article shall be accepted a final adjudication by the Parties to which they hereby agree to be bound.
- 4.3. If circumstances so require, during the validity of the MoU, each Party may propose it being amended. Any such amendment has to be in the form of an exchange of letters.

4.4. Nothing in this MoU shall be deemed a waiver, expressed or implied, of any privileges or immunities enjoyed by UNHCR, as an integral part of the United Nations.

5. TRANSITORY PROVISION

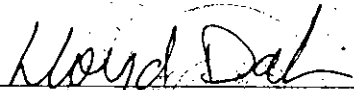
5.1. This MoU supersedes all previous arrangements and agreements done between the Parties on the issues defined within this MoU. This MoU shall enter into force on 1 January 2002 and remain in force until 31 December 2003. The terms of this Agreement may be extended by an exchange of letters between the Parties.

Signed in four originals in English and Armenian, by the duly authorised signatories on behalf of the following Parties, each of which has received a copy of in English and Armenian, and agree to the contents of the present Memorandum of Understanding. For purposes of interpretation and in case of conflict, the English text shall prevail.

For The United Nations
High Commissioner for Refugees

For The Government of Armenia

Signature: _____



Name: _____

Lloyd Dakin
UNHCR Representative in Armenia

Hovak Abrahamyan

Title: _____

Minister Co-ordinating the
Territorial Management and Infra-
structural Activities

Date: _____

16/09/02

Place: _____

Yerevan, Armenia

Yerevan, Armenia