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MOSS REP  
(Namibia)

AGREEMENT ON THE ESTABLISHMENT OF A COMMISSION  
FOR THE PROMOTION OF VOLUNTARY REPATRIATION OF ANGOLAN  
REFUGEES  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF ANGOLA  
THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA  
AND  
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The Government of the Republic of Angola, the Government of the Republic of Namibia (hereinafter referred to as the "Contracting States") and the Office of the United Nations High Commissioner for Refugees, (hereinafter referred to as the "High Commissioner").

Recognizing that the 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 Bicesse Accords of 31 May 1991, complemented by the Lusaka Protocol of 20 November 1994, have laid the foundations for national reconstruction and reconciliation based on peace, stability, democracy and social and economic development in Angola,

Considering that the Amnesty Law N° 24/91 of 12 July 1991 provides a formal guarantee under which Angolan refugees may return to Angola in conditions of safety and security, and that they will not be subject to any judicial, legislative or administrative measures for acts or offenses allegedly committed before or during their exile, as specified under that legislation,

Noting that the Amnesty Law N° 18/94 of 10 November 1994 applies to all crimes against state security and all other related crimes committed by Angolan citizens in the context of the military conflict following the general elections, during the period from 1st October 1992 to the signing of the Lusaka Protocol,

Recognizing that the promotion of the voluntary return of Angolan refugees in Namibia requires adequate measures to be taken for the preparation of an orderly repatriation,

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

ESTABLISHMENT AND COMPOSITION OF A REPATRIATION COMMISSION

1. A Commission for the promotion of voluntary repatriation of Angolan refugees in Namibia is hereby established.
2. The Commission shall be composed of three members, designated by each of the Contracting States and the High Commissioner.

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3. Where a member of the Commission is unable to attend to any business of the Commission, the party represented by that member on the Commission shall designate a substitute.
4. Any member of the Commission may, when attending any meeting or other business of the Commission, be accompanied by such number of advisors as the party represented by that member may deem necessary.
5. The Commission may, whenever it considers it necessary or appropriate, invite or allow any relevant person, organization or entity to participate in its deliberations in an advisory or observer capacity.

**ARTICLE 2**  
**ROLE AND FUNCTIONS OF THE COMMISSION**

1. In its endeavours to promote the voluntary repatriation of Angolan refugees in Namibia, the Commission shall visit refugee settlements and inform them of any matters relevant to the repatriation.
2. The Commission shall consider and advise the Contracting States and the High Commissioner on such actions or measures as may be taken in order to promote and implement voluntary repatriation.
3. The Commission shall also advise the Contracting States and the High Commissioner on any problems or hindrances that might arise in the course of promoting voluntary repatriation as well as on the ways or actions necessary to overcome such obstacles.

**ARTICLE 3**  
**MEETINGS OF THE COMMISSION**

1. The Commission shall meet as often as necessitated by the programme of Voluntary Repatriation at the request of one of the parties.
  2. The Commission may adopt its own Rules of Procedure.
  3. Meetings of the Commission may be convened at the request of any of the Parties to this Agreement.
  4. Meetings of the Commission shall be held in either of the Contracting States or at any other venue as agreed between the members.
  5. Meetings of the Commission shall be summarized in reports for the attention of the Contracting States and the High Commissioner.
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**ARTICLE 4**  
**EXCHANGE OF VISITS**

The members of the Commission may undertake visits to Angola and Namibia, for the purpose of fulfilling their functions under this Agreement.

**ARTICLE 5**  
**VOLUNTARY CHARACTER OF REPATRIATION**

The Contracting States and the High Commissioner reiterate that the voluntary character of repatriation shall be 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 6**  
**CONDITIONS FOR REPATRIATION**

The Contracting States and the High Commissioner 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 7**  
**ACCESS TO REFUGEES AND RETURNEES**

In order to carry out its protection and assistance functions, the High Commissioner, as well as all other agencies collaborating with it in the repatriation and reintegration operation, shall be granted free and unhindered access to Angolan refugees in Namibia and returnees in Angola.

**ARTICLE 8**  
**BORDER CROSSING POINTS**

The Contracting States and the High Commissioner shall agree on designated border crossing points for organized voluntary repatriation movements. Such agreement may be modified whenever operational requirements so demand.

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**ARTICLE 9**  
**SIMPLIFICATION OF BORDER PROCEDURES**

The Contracting States shall simplify and streamline their exit and entry border procedures in relation to returnees, and the latter's property shall be exempted from customs duties and tariffs, provided that such property is not prohibited for exportation from Namibia or importation into Angola as specified in a Schedule List to be agreed upon by the Contracting States.

**ARTICLE 10**  
**REPATRIATION PROGRAMME**

1. The Commission shall consider plans which shall provide inter alia for:
  - (a) meetings with the refugees for the purpose of explaining to them the concept of voluntary repatriation, and to provide them with all information relevant to their repatriation and reintegration in Angola;
  - (b) visits by representatives of refugees to Angola to inform themselves of the situation there in order to facilitate the refugees' decision to repatriate;
  - (c) registration of all refugees electing to repatriate under UNHCR's auspices in the Voluntary Repatriation Forms;
  - (d) adoption of the Voluntary Repatriation Form as a valid travel document for exit and entry formalities;
  - (e) arrangements for the transportation, transit accommodation and any other measures required for the orderly departure of the refugees from Namibia and their reception in Angola;
  - (f) tracing of family members or relatives of repatriating refugees, and facilitation of their reunion;
  - (g) adoption of special measures to ensure that vulnerable groups among the refugee population receive adequate protection, assistance and care throughout the repatriation and reintegration process;
  - (h) any other relevant information which the Commission may wish to include for consideration by the parties to this Agreement.

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2. The Commission shall adopt simple and practical mechanisms for the identification and the voluntary repatriation of Angolan refugees.
3. The High Commissioner shall endeavour to obtain from the international community the necessary resources required for the implementation of the voluntary repatriation programme.

ARTICLE 11

MOVEMENT AND SECURITY OF UNHCR STAFF AND PERSONNEL

1. The Contracting States shall facilitate the movement of the High Commissioner's staff and personnel of its implementing partners into, within and outside of their territory at designated border crossing points. In particular, they shall ensure that such staff and personnel are issued with two-ways cross-border travel authorizations for the duration of the repatriation operation.
2. The Contracting States shall take all appropriate steps to ensure the security and safety of the High Commissioner's staff and all other personnel engaged in the repatriation operation provided for under this Agreement.

ARTICLE 12

RELIEF GOODS, MATERIAL AND EQUIPMENT

1. The Contracting States shall exempt from the relevant taxes, duties and levies all relief goods, material and equipment destined for use in the repatriation and reintegration operation. The clearance and handling of such resources upon importation shall be expedited.
2. The Contracting States shall authorize the High Commissioner to use UN radio equipment, frequencies and networks and shall, whenever operational requirements arise, facilitate the allocation of other frequencies.

ARTICLE 13

RESOLUTION OF DISPUTES

Any question arising in connection with the application or the interpretation of this Agreement shall in the first instance be resolved amicably through negotiations and consultations among the members of the Commission, failing which the Commission shall refer such matter to the Contracting States and the High Commissioner, who shall likewise mutually resolve the same through consultations and negotiations.

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**ARTICLE 14**  
**ENTRY INTO FORCE**

This agreement shall enter into force upon signature by the Contracting States and the High Commissioner.

**ARTICLE 15**  
**TERMINATION**

This Agreement shall be valid until terminated upon the completion of the repatriation exercise, or upon written notice being given by any party to this Agreement of its intention to do so. In such a case termination of the Agreement shall become effective after the expiration of ninety days from the date of service of notice, unless any other party to this Agreement has a valid objection to the termination. Such objection shall then be considered and resolved in accordance with Article 13. The termination shall not affect the validity of any part of the repatriation programme and plans which have become operational prior to the date of such termination.

DONE at LUANDA this day 07th of NOVEMBER, 1975 in two originals, in the English and portuguese languages respectively, both texts being equally authentic.

**FOR THE GOVERNMENT OF**  
**THE REPUBLIC OF ANGOLA**

Name: Abus Saluco

Title: Minister

Signature: [Signature]

**FOR THE GOVERNMENT OF**  
**THE REPUBLIC OF NAMIBIA**

Name: D.M. Amutenyo

Title: Minister-Counselor

Signature: [Signature]

**FOR THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR REFUGEES**

Name: Nicolas Bwakira

Title: Refugee Affairs Officer

Signature: [Signature]

