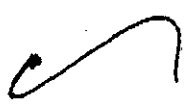




**TRIPARTITE AGREEMENT ON THE VOLUNTARY
REPATRIATION OF CONGOLESE REFUGEES
FROM TANZANIA**

The Government of the United Republic of Tanzania, the Government of the Democratic Republic of the Congo and the United Nations High Commissioner for Refugees, hereafter referred to as the Contracting Parties.

- (a) 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;
- (b) Recalling the OAU Convention governing the Specific Aspects of Refugee problems in Africa of 10 September 1969 and in particular Article V thereof concerning voluntary repatriation;
- (c) Recalling that the United Nations General Assembly Resolution 428(V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation;
- (d) Considering that voluntary repatriation, where feasible constitutes the best durable solution for the refugee problem, and that Conclusions 18 (XXXI) and 40 (XXXVI) 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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- (e) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and reintegration in the Democratic Republic of the Congo of Congolese refugees in Tanzania with the assistance of the international community through UNHCR as may be supported and, where appropriate, by other United Nations agencies and intergovernmental and non-governmental organizations;

Have agreed as follows:

RIGHT TO RETURN

Article 1

Any Congolese national who is living as a refugee in Tanzania and who wishes to return to the Democratic Republic of the Congo has the right to do so without having to satisfy any pre-condition.

VOLUNTARY CHARACTER OF REPATRIATION

Article 2

The Contracting Parties hereby reaffirm their commitment to the observance of the voluntary character of repatriation of the Congolese refugees.

RESPONSIBILITIES OF THE COUNTRY OF ASYLUM: UNITED REPUBLIC OF TANZANIA

RECOGNITION OF THE VOLUNTARY CHARACTER OF THE REPATRIATION

Article 3

The Government of the United Republic of Tanzania undertakes to guarantee the voluntary character of the repatriation of Congolese refugees and will take, in consultation with the United Nations High Commissioner for Refugees, all measures necessary to uphold this fundamental principle of international protection. To this end, it will take all measures necessary to ensure that refugees are well informed about the security situation in the country of origin and able freely to decide on repatriation without coercion or pressure. The

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status of those refugees who decide not to avail themselves of the voluntary repatriation programme under the present Agreement shall continue to be governed by relevant international protection principles and standards, including the relevant provisions of the 1951 Convention on the Status of Refugees and the 1969 OAU Convention, especially those relating to relocation of refugees away from common borders, disarming of armed refugees and prohibition from undertaking subversive activities.

ACCESS TO REFUGEES

Article 4

The Government of the United Republic of Tanzania shall grant to the Office of the United Nations High Commissioner for Refugees free and unhindered access to its territory and to the refugees to allow the implementation of the repatriation operation.

EXIT FORMALITIES

Article 5

The Government of the United Republic of Tanzania shall facilitate the departure of the Congolese refugees and simplify the formalities for the exportation of their property and personal effects.

SECURITY ARRANGEMENTS

Article 6

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

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**RESPONSIBILITIES OF THE COUNTRY OF ORIGIN:
DEMOCRATIC REPUBLIC OF THE CONGO**

VOLUNTARY REPATRIATION IN SAFETY AND DIGNITY

Article 7

The Government of the Democratic Republic of the Congo 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.

ENTRY FORMALITIES

Article 8

The Government of the Democratic Republic of the Congo shall simplify formalities for the refugees' return, facilitate the entry of their goods and personal effects and waive all customs duties, charges or tariffs. The controls and inspections at the border will be simplified and carried out with due respect for human rights.

ACCESS TO RETURNEES FOR UNHCR

Article 9

The Government of the Democratic Republic of the Congo shall facilitate the activities of the Office of the United Nations High Commissioner for Refugees by allowing free and unhindered access to its territory for the implementation of the repatriation operation and ensuring the security and safety of UNHCR staff and implementing partners engaged in the programme. UNHCR shall be allowed to accompany returnees to their home areas and shall enjoy unhindered access to the returnees.

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SETTLEMENT OF RETURNEES

Article 10

The Government of the Democratic Republic of the Congo shall take all measures possible to allow returnees to settle in areas of their origin or choice and assist them recover any property they may have left behind.

REINTEGRATION OF RETURNEES

Article 11

The Government of the Democratic Republic of the Congo shall ensure the reintegration of Congolese returnees in the socio-economic life of the nation. It shall guarantee to all the returnees, including those who previously were civil servants or who formed part of military units, equal enjoyment of all the socio-economic, civil and political rights recognized in domestic and international law.

RESPONSIBILITIES OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

ASCERTAIN VOLUNTARINESS

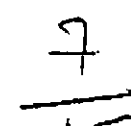
Article 12

The United Nations High Commissioner for Refugees shall be responsible for verifying and ascertaining the voluntary character of refugees' decision to repatriate.

FACILITATE RETURN AND REINTEGRATION IN SAFETY AND DIGNITY

Article 13

The United Nations High Commissioner for Refugees 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, the United Nations High Commissioner for Refugees will provide its assistance, if necessary in cooperation with other United Nations agencies and non-governmental organizations, in particular Congolese NGOs.



SPECIAL PROTECTION NEEDS

Article 14

The United Nations High Commissioner for Refugees shall ensure that the special protection needs of single women, unaccompanied minors and vulnerable groups among the refugees as well as their fundamental rights, in particular the principle of family reunion, are safely guarded.

PROTECTION OF REFUGEES

Article 15

The United Nations High Commissioner for Refugees shall, in accordance with its Mandate, endeavor to ensure that those Congolese refugees who do not opt to repatriate can continue to enjoy asylum in the United Republic of Tanzania in accordance with the 1951 Convention on the Status of Refugees and the 1969 OAU Convention until such time the cessation clauses are applied.

COORDINATION AND FUNDING OF THE REPATRIATION OPERATION

Article 16

The United Nations High Commissioner for Refugees shall coordinate and fund the repatriation operation.

TRIPARTITE REPATRIATION COMMISSION

ESTABLISHMENT OF A TRIPARTITE COMMISSION

Article 17

The Contracting Parties hereby agree to establish a Commission for the Voluntary Repatriation of the Congolese Refugees in Tanzania.

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COMPOSITION OF THE COMMISSION

Article 18

The Commission shall be composed of 12 members to be designated and communicated to the other parties within two weeks of the signing of this agreement. The Government of the Democratic Republic of the Congo and the Government of the United Republic of Tanzania shall designate 5 members each. The United Nations High Commissioner for Refugees shall be represented by two members, designated from its Branch Offices in the Democratic Republic of the Congo and in Tanzania. The Commission shall be presided alternately by a Representative of the Democratic Republic of the Congo and a Representative of the United Republic of Tanzania. The Chairman of the Commission shall designate a rapporteur and shall determine the date and venue of meetings.

MEETINGS OF THE COMMISSION

Article 19

The Commission shall hold its first meeting within seven days after the designation of all of its members. The decisions of the Commission shall be made on the basis of consensus. The Commission shall adopt its rules of procedure. It shall meet at least once every 2 months. Extraordinary sessions may be convened at the express request of one of the Contracting Parties. Meetings of the Commission will take place in the Democratic Republic of the Congo or in the United Republic of Tanzania or as may be agreed upon by the contracting parties. The Commission may invite or authorize any individual or organization involved in the repatriation operation to participate in its meetings in an observer capacity. Members of the Commission may be represented in meetings by alternates. Deliberations of the Commission will be recorded in reports which will be transmitted to the Contracting Parties.

ROLE AND FUNCTION OF THE COMMISSION

Article 20

The Commission is responsible for monitoring the implementation of measures to facilitate voluntary repatriation of Congolese refugees and the reintegration of returnees in their communities of origin. It shall ensure the implementation of the provisions of this Agreement, particularly those relating to returnees' security and assistance.

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The Commission shall periodically keep the Contracting Parties informed of the progress made and difficulties encountered. It shall advise the latter on measures to be taken to overcome these difficulties.

MISSIONS BY THE COMMISSION

Article 21

Members of the Commission may, if necessary, undertake missions to the United Republic of Tanzania and to the Democratic Republic of the Congo. The Contracting Parties shall be notified of the schedules of such missions. The two countries shall facilitate these missions notably by allowing free access to Congolese refugees and returnees. Members of the 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. It will propose solutions to identified problems.

FRAMEWORK FOR MASS INFORMATION


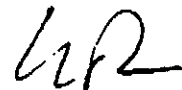
Article 22

The Commission shall assist the Contracting Parties in developing an appropriate framework for a mass information campaign for Congolese refugees in the United Republic of Tanzania to provide them with relevant information on repatriation to assist them to make an informed decision. If need be, it shall facilitate visits to the Democratic Republic of the Congo by refugees' representatives in order for them to acquaint themselves with the situation prevailing therein and to report to their groups accordingly.

ARRANGEMENTS FOR REGISTRATION

Article 23

The Commission shall assist the Contracting Parties in devising the most appropriate means of registering refugees who wish to repatriate.





INFORMATION TO THE COMMISSION**Article 24**

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

COMMON PROVISIONS**APPLICATION OF THE AGREEMENT****Article 25**

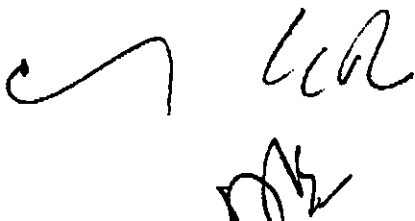
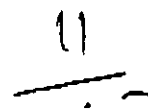
The Contracting Parties hereby recognize, as a matter of principle, that all assurances and other provisions set out in this agreement shall also apply to those Congolese refugees who spontaneously repatriate from Tanzania using their own means.

EXEMPTION OF TAXES FOR RELIEF ITEMS**Article 26**

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

ENTRY INTO FORCE**Article 27**

The present Agreement shall enter into force from the date of signature by the Contracting Parties.

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VALIDITY OF OTHER AGREEMENTS

Article 28

This agreement shall not affect the validity of any existing agreements, arrangements or mechanisms of cooperation between the Contracting Parties. To the extent necessary or applicable, 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 Congolese refugees from Tanzania.

RESOLUTION OF DISPUTES

Article 29

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

AMENDMENT

Article 30

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

VALIDITY AND TERMINATION

Article 31

The present Agreement shall remain in force until it is terminated by mutual agreement between the signatories 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.

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[Handwritten date: 12/15]

In witness whereof, the authorized representatives of the Contracting Parties have hereby signed the present Agreement.

Done at DAR-ES-SALAM this 21ST day of AUGUST 1997
in three originals, in the English and French languages respectively

[Signature]

For the Government of
the United Republic of
Tanzania

[Signature]

For the Government of
the Democratic Republic of
the Congo

[Signature]

For the United Nations High Commissioner for Refugees.

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TRIPARTITE MEETING
ON
VOLUNTARY REPATRIATION OF CONGOLESE REFUGEES FROM TANZANIA

Dar es Salaam, Wednesday 20 August 1997

LIST OF PARTICIPANTS

Delegation from the Democratic Republic of Congo

M. R. Mupondo, Director of the Cabinet of the Minister of Home Affairs
M. D. Byaza-Sanda Lutala, Director, Ministry of Home Affairs
M. E. Nycmbo Assumali, Counselor, Ministry of Reconstruction
M. E. Kambali Kibungo, Counselor, Ministry of Reconstruction
M. P. Bapolisi Bahuga, Director of the Cabinet of the Regional Governor for South-Kivu
M. F. Amisi Kvonewa, Counselor, Office of the Regional Governor for South Kivu
M. M. Balingene Mihanda, Diplomatic Counselor, Office of the Reg. Gov. for North Kivu
M. A. T. Fazila, Office of the Regional Governor for North Kivu
M. Ndjakozi Nguba, First Secretary, Embassy of the Democratic Republic of Congo in Tanzania
M. Nsingi zi Lubaki, First Secretary, Embassy of the Democratic Rep. of Congo in Tanzania

Delegation from the United Republic of Tanzania

M. B. S. Mchomvu, Principal Secretary, Ministry of Home Affairs
M. J. V. Mtawali, Director of Refugee Department
M. J. P. Brahim, Principal Refugee Officer
M. W. Kaihula, Principal Refugee Officer
M. P. C. L. Tserc, Principal Refugee Officer
M. C. J. Mchome, Refugee Officer (Legal)
M. F. A. Kibula, Principal Immigration Officer
M. D. J. Daudi, Deputy Commissioner of Police
M. M. B. Luhanga, Senior Foreign Service Officer, Ministry of Foreign Affairs and Int. Coop.
M. W. B. Korosso, Senior State Attorney, Ministry of Justice

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Delegation from the Office of the United Nations High Commissioner for Refugees

M. D. Bayandor, Regional Representative for Central Africa
M. L. Kotsalainen, Representative ai for UNHCR Tanzania
M. C. Bourgeois, Coordinator, UNHCR operations in Eastern Congo
M. L. Bordin, Head of UNHCR Sub-Office in Bukavu
M. H. M. Nordentoft, Senior Legal Adviser, UNHCR Tanzania
M. V. Parker, External Relations Officer, UNHCR Tanzania

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