



AGREEMENT

**FOR THE ESTABLISHMENT OF A TRIPARTITE
COMMISSION FOR THE VOLUNTARY REPATRIATION OF
ANGOLAN REFUGEES**

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF ANGOLA

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

AND

**THE UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES**

PREAMBLE

The Government of the Republic of Angola, the Government of the Republic of South Africa and the Office of the United Nations High Commissioner for Refugees (hereinafter jointly referred to as the "Parties" and the singular as a "Party") :

RECOGNISING that voluntary repatriation, where feasible, constitutes the best durable solution for refugee problems, and that the attainment of this solution requires that refugees be repatriated in conditions of safety and dignity;

RECALLING that the Bicesse Accords of 31 May 1991, the Lusaka Protocol of 20 November 1994, and the Memorandum of Understanding of 4 April 2002 complementing the Lusaka Protocol, have laid the foundation for peace, national reconciliation, democracy, and social as well as economic development in Angola;

CONSIDERING that the Amnesty Law No. 24/91 of 12 July 1991 and the Amnesty Law No. 4/02 of 4 April 2002 provide a formal guarantee under which Angolan refugees may return to Angola in conditions of safety and security, and that they shall not be subject to any judicial, legislative or administrative measures for acts or offences allegedly committed before or during their asylum;

NOTING that the Amnesty Law No.18/94 of 10 November 1994 applies to all crimes against Angolan state security and all other related crimes committed during the armed conflict following the general elections during the period from 1 October 1992 to the signing of the Memorandum of Understanding of 4 April 2002 complementing the Lusaka Protocol; and

RECOGNISING that the voluntary repatriation of Angolan refugees from Republic of South Africa to the Republic of Angola requires adequate measures to be taken for the preparation of an orderly return;

Hereby agree as follows:

ARTICLE 1

DEFINITION OF TERMS

"Commission" means the Tripartite Repatriation Commission established in terms of Article 2

"Contracting States" refers to the Government of the Republic of Angola and the Government of the Republic of South Africa

"The High Commissioner" refers to the United Nations High Commissioner for Refugees.

"UNHCR" means the United Nations High Commissioner for Refugees.

ARTICLE 2

ESTABLISHMENT AND COMPOSITION OF A TRIPARTITE REPATRIATION COMMISSION

1. The Tripartite Repatriation Commission for the voluntary repatriation of Angolan refugees in the Republic of South Africa is hereby established.
2. The Commission shall be composed of three members, one designated by each of the Parties.
3. Where a member of the Commission is unable to attend to any business of the Commission, the Party represented by that member of 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.

The Commission may, whenever it considers it necessary or appropriate, invite or allow any relevant person, organisation or entity to participate in its deliberations in an advisory capacity.

ARTICLE 3

ROLE AND FUNCTIONS OF THE COMMISSION

1. In its endeavours to implement the voluntary repatriation of Angolan refugees from the Republic of South Africa, the Commission shall find the most practical ways of visiting and informing refugees of any matters relevant to the repatriation.
2. The Commission shall consider and advise the Parties on such actions or measures as may be taken in order to implement the voluntary repatriation.

3. The Commission may, after consultations with the Government of the Republic of South Africa, designate any area where Angolan refugees would be registered for the purposes of implementing this Agreement.

(b) The Commission may also specify the period when such centres would remain open.

4. The Commission shall also advise the Parties on any problems or hindrances that might arise in the course of the voluntary repatriation operation, as well as, on the ways or actions necessary to overcome such obstacles.

ARTICLE 4

MEETINGS OF THE COMMISSION

1. The Commission shall in principle meet every four months and, on an extraordinary basis, whenever necessary.
2. The Commission shall adopt its own rules of procedure.
3. Meetings of the Commission may be convened at the request of any of the Parties.
4. Meetings of the Commission shall be held in the country of either of the Contracting States or at any other venue as agreed upon by members of the Commission.
5. Meetings of the Commission shall be summarised in reports for the attention of the Parties.

ARTICLE 5

EXCHANGE OF VISITS

The Members of the Commission may undertake visits to the Republic of Angola and the Republic of South Africa, for the purpose of fulfilling their functions under this Agreement.

ARTICLE 6

VOLUNTARY CHARACTER OF REPATRIATION

1. The Parties reiterate that the voluntary character of repatriation shall be adhered to.

2. The status of those refugees who do not make the decision to repatriate shall continue to be governed by the applicable domestic law in accordance with the relevant international protection principles.

ARTICLE 7

CONDITIONS FOR REPATRIATION

The States Parties and the High Commissioner shall undertake all necessary initiatives to create safe and dignified conditions for the transportation and return of the refugees to places of final destination.

ARTICLE 8

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 returnees in the Republic of Angola.

ARTICLE 9

BORDER CROSSING POINTS

1. The Parties shall, in accordance with the applicable domestic law, agree on designated border crossing points (exit from the Republic of South Africa and entry into the Republic of Angola) for organised voluntary repatriation movements.
2. Such agreement may be modified whenever operational requirements so demand.

ARTICLE 10

SIMPLIFICATION OF BORDER PROCEDURES

The Contracting States shall commit themselves, in accordance with the applicable domestic law, to simplify and streamline the procedures at the border points, in order to permit the entry and the exit of the refugees who shall be exempted from the payment of customs duties and tariffs.

ARTICLE 11

REPATRIATION PROGRAMME

1. The Commission shall consider plans, which shall provide, *inter alia*, for-
 - (a) meetings with the refugees for the purposes 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 the Republic of Angola to inform themselves of the situation there in order to facilitate the refugees' decision on repatriation;
 - (c) registration of all refugees who opt to repatriate under UNHCR auspices in the Voluntary Repatriation Forms;
 - (d) adoption of the Voluntary Repatriation Forms 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 the Republic of South Africa and their reception in the Republic of 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 that the Commission may wish to include for consideration by the Parties.
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 12

MOVEMENT AND SECURITY OF UNHCR STAFF AND PERSONNEL

1. The Contracting States shall, in accordance with their applicable domestic law, facilitate the movement of the High Commissioner's staff and the 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-way cross-border travel authorisations 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 13

RELIEF GOODS, MATERIAL AND EQUIPMENT

1. The Contracting States shall exempt from taxes and from all other custom duties and levies all relief goods, materials and equipment to be used for the repatriation and reintegration operation.
2. The process of importation of goods referred to in sub-Article (1) to be used for the repatriation shall be expedited in accordance with the applicable domestic law.
3. The Contracting States shall authorise the High Commissioner to use UN radio equipment, frequencies and networks and shall, whenever operational requirements arise, facilitate the allocation of other frequencies.

ARTICLE 14

AMENDMENTS

This Agreement may be amended by mutual consent of the Parties through an exchange of notes between the Parties.

ARTICLE 15

RESOLUTION OF DISPUTES

Any dispute between the Parties arising out of the application or implementation or 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 matters to the Parties, who shall likewise, mutually resolve the same through negotiations and consultations.

ARTICLE 16

ENTRY INTO FORCE, DURATION AND TERMINATION

1. This Agreement shall enter into force on the date of signature thereof.

2. This Agreement shall remain in force –

- a) Until the Commission declares the repatriation complete; or
- b) Unless terminated in accordance with sub-Article (3)

3. This Agreement may be terminated by any Party for reasons of force majeure giving at least 90 days' written notice in advance to the other Parties of its intention to terminate this Agreement.

4. Termination of this Agreement shall not affect the validity or completion of any part of the repatriation programme or plan that is operational before the date of termination

IN WITNESS WHEREOF the undersigned, being duly authorised thereto have signed and sealed this Agreement in three (3) originals, two in the English language and one in the Portuguese language, all texts being equally authentic.

Done at Pretoria on this 14th day of December 2003

FOR THE GOVERNMENT OF
THE REPUBLIC OF ANGOLA

Name: João Baptista Casimiro

Title: Minister

Signature: [Signature]

FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH
SOUTH AFRICA

Name: Nkosazana Dlamini Zuma

Title: De Minister

Signature: [Signature]

FOR THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Name: Mr. Kellen Kalumisa

Title: Regional Co-ordinator

Signature: [Signature]