

**JOINT PROGRAMME
BETWEEN
THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN,
THE INTERIM AUTHORITY OF AFGHANISTAN,
AND UNHCR
FOR VOLUNTARY REPATRIATION OF AFGHAN REFUGEES AND DISPLACED PERSONS**

The Government of the Islamic Republic of Iran and Interim Authority of Afghanistan ("the Governments") and the United Nations High Commissioner for Refugees ("UNHCR"), hereinafter referred to as "the Parties",

(a) Appreciating the hospitality of the Government of the Islamic Republic of Iran in hosting Afghan refugees and displaced persons for over two decades;

(b) 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 facilitating their voluntary repatriation and reintegration in their country of origin;

(c) Noting the emphasis of the Governments and UNHCR to work with each other to achieve full observance of the internationally recognized human rights principles and in particular those relating to the repatriation of refugees and displaced persons;

(d) Recognizing that the "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions" signed, under the auspices of the United Nations, in Bonn on 5 December 2001 and the ensuing official transfer of power to an Afghan Interim Administration in Kabul on 22 December 2001 have laid the foundation for achieving lasting peace, national unity, reconciliation and social and economic development in Afghanistan;

(e) Recognizing the Government of the Islamic Republic of Iran's implementation of voluntary repatriation within the framework of its internal laws and regulations; and

(f) Resolved to cooperate in order to facilitate and assist the voluntary, dignified, safe and orderly return to, and successful reintegration in Afghanistan of Afghan refugees and displaced persons now in Iran.

Have agreed as follows:

**ARTICLE 1
Definitions**

1. The term "refugee and displaced person" in this Joint Programme shall mean any Afghan citizen who is presently covered by the Joint Programme in Iran.

2. The term "returnee" shall mean any refugee and displaced person as defined in subsection 1. of this Article, who has voluntarily returned to Afghanistan pursuant to this Joint Programme.

ARTICLE 2

Establishment and Functions of the Tripartite Commission

1. The Parties hereby establish a Tripartite Commission for the Voluntary Repatriation of Afghan Refugees and Displaced persons from Iran.
2. The Tripartite Commission will be composed of the representatives of the Government of the Islamic Republic of Iran, the Interim Authority of Afghanistan and the United Nations High Commissioner for Refugees to facilitate, organize, coordinate and monitor the operation of the voluntary repatriation of the Afghan refugees and displaced persons living in Iran.
3. In order to have coordination between the Parties to the Joint Programme, coordination and follow-up meetings will be held at least once every three months with the presence of the representatives of the parties. The meetings will be held alternately in Iran and Afghanistan, unless the parties agree otherwise.
4. The Commission may, whenever deemed necessary or appropriate and, subject to agreement by all its members, invite representatives of relevant organizations to participate in its deliberations in an advisory capacity.
5. Decisions of the Commission shall be made on the basis of the mutual agreement of the Members.

ARTICLE 3

Ad Hoc Tripartite Arrangements/Liaison Officers

The Governments shall designate Liaison Officers at their respective Embassies in Kabul and Tehran and in other locations (e.g. Consulates in the border provinces) if necessary with powers to deal with unforeseen operational issues on an ad hoc basis.

ARTICLE 4

UNHCR's Role

1. The Governments shall respect UNHCR's role in facilitating and implementing the operation for voluntary repatriation of refugees and displaced persons in conditions of safety and dignity.
2. In this respect, the Governments welcome UNHCR's role under its international mandate in facilitating discussions in tripartite meetings.

ARTICLE 5
Voluntary Character of Repatriation

The Parties hereby reaffirm that the repatriation of Afghan refugees and displaced persons in Iran shall take place at their freely expressed wish based on their knowledge of the conditions relating to voluntary repatriation and the situation in intended places of return. Accordingly, the voluntary character of the repatriation shall be fully respected.

ARTICLE 6
Return in Safety

Whereas the Government of the Islamic Republic of Iran shall retain responsibility for the safety of the repatriating refugees and displaced persons while on its territory, the Interim Authority of Afghanistan shall be responsible for the safety of the returnees once within its territory.

ARTICLE 7
Freedom of Choice of Destination

The Parties reiterate that the refugees and displaced persons shall be free to return to, and settle in, their former places of residence or any other places of their choice within Afghanistan.

ARTICLE 8
Assurances upon Return

1. The Interim Authority of Afghanistan shall take necessary measures so that refugees and displaced persons can repatriate without any fear of harassment, intimidation, persecution, discrimination, prosecution or any punitive measures whatsoever on account of their having left, or remained outside of Afghanistan.
2. To this effect, the Interim Authority will, *inter alia*, issue general amnesties, formal guarantees or public assurances to encourage the refugees and displaced persons to voluntarily repatriate.
3. The Interim Authority of Afghanistan shall give assurances that returnees have access to land for settlement and use, in accordance with the relevant national laws.
3. The Interim Authority of Afghanistan shall facilitate, to the extent possible, the recovery and/or restitution to the returnees of land or other immovable or movable property which they may have lost or left behind.

ARTICLE 9
Spontaneous Return

The Parties hereby recognize, as a matter of principle, that the provisions set out in this Joint Programme will also apply to those opting to repatriate spontaneously by their own means. Statistics of spontaneous returns will not be considered in the figure for organized repatriation.

ARTICLE 10
Information and Sensitization

1. While emphasizing the necessity of an information campaign, the Parties to this Joint Programme shall, in Iran and Afghanistan, provide objective and accurate information relevant to their repatriation and reintegration in Afghanistan as well as inform Afghans about the benefits of voluntary repatriation and the advantages of the Joint Programme and the manner of its implementation.
2. The Interim Authority of Afghanistan shall, with a view to creating conditions conducive to the reintegration of returnees in safety and with dignity, take all necessary measures to sensitize and prepare the population residing in areas to which the displaced persons shall be repatriating.

ARTICLE 11
UNHCR Access to Refugees, Displaced persons, and Returnees

1. UNHCR shall be granted free access to Afghan refugees and displaced persons volunteering to repatriate in Iran and to returnees wherever they may be located in Afghanistan. Likewise returning refugees and displaced persons shall be granted free access to UNHCR.
2. The Interim Authority of Afghanistan shall, in particular, extend full cooperation to UNHCR to allow UNHCR to monitor the treatment of returning refugees and displaced persons in accordance with humanitarian and human rights standards, including the implementation of the commitments contained in this Joint Programme.
3. In order to enable UNHCR to carry out its monitoring functions under paragraphs 1 and 2 of this Article, the Interim Authority of Afghanistan shall inform UNHCR about every case of arrest, detention and legal proceedings involving returnees. The Interim Authority shall provide UNHCR with the relevant legal documentation on these cases as well as grant UNHCR free access to returnees under arrest or in detention.
4. The access provided to UNHCR under paragraph 1. of this Article shall, as appropriate, be extended to organizations which, as agreed upon by the Commission, will cooperate in implementation of the Joint Programme.

ARTICLE 12
Movement of Staff of International Organizations

To facilitate the function of UNHCR staff and the staff of associated organizations as per Article 11, clause 4, on both sides of Iran-Afghanistan border, the Governments parties to this Joint Programme shall facilitate the movement of the said staff as well as the transfer of vehicles, relief items and equipment for the repatriation operation inside and outside Iran and Afghanistan, in accordance with their laws and regulations.

ARTICLE 13
Relief Goods, Materials, Equipment and Communication

1. The Governments shall, in accordance with internal laws and regulations, exempt the relief items and means of transportation required for the voluntary repatriation operation from taxes and relevant custom duties.
2. The Governments, in accordance with internal laws and regulations, hereby authorize UNHCR to use UN communications equipment and vehicles.

ARTICLE 14
Activities of other International Organizations

The Parties to this Joint Programme will request agencies related to the United Nations and other non-governmental organizations to contribute to the success of this Programme by focusing on and undertaking activities in the provinces of return inside Afghanistan.

ARTICLE 15
Juridical Status and Equivalency

The Interim Authority of Afghanistan shall accord recognition to the legal status of Afghan refugees and displaced persons repatriating from Iran, including births, deaths, marriage and divorce. The Interim Authority of Afghanistan shall also seek to accord recognition, as appropriate, to the equivalency of academic and vocational skills, diplomas and certificates obtained by the refugees and displaced persons and issued by valid Iranian institutions.

ARTICLE 16
Preservation of Family Unity

1. In accordance with the principle of family unity, the Parties will make necessary efforts to ensure that the family members of refugees and displaced persons are repatriated as units, and in order to avoid unwanted separations, a mechanism shall be established in Afghanistan for their reunification.
2. In order to preserve the unity of the family, spouses and/or children of repatriating refugees and displaced persons who are themselves not citizens of Afghanistan shall be allowed to enter and remain in Afghanistan. The principle established herein shall also apply to non-Afghan spouses as well as children of deceased Afghan refugees and displaced persons who may wish to enter and remain in Afghanistan to preserve family links. Accordingly, the Interim Authority of Afghanistan shall regularize their entry and stay in Afghanistan in accordance with the provisions under its laws on the entry and stay of foreigners and will favorably consider their naturalization.

ARTICLE 17
Special Measures for Vulnerable Groups

The Parties shall take special measures to ensure that vulnerable groups receive adequate physical protection, assistance and care throughout the repatriation and reintegration process.

ARTICLE 18
Number of Returnees, Budget and Assistance Package

1. In the framework of the Joint Programme, organized repatriation of 400,000 persons has been planned during the year 2002.
2. UNHCR has allocated for the programme in Iran \$10 million for the repatriation of 400,000 persons, as follows:
 - Some \$4 million for transportation of repatriates from across Iran up to the border zero-point.
 - \$6 million for establishment, repair and equipping of the voluntary repatriation centers, border crossing stations, and distribution of food packages, blankets, and jerry cans to repatriates.
3. The assistance packages inside Afghanistan are as follows:
 - \$10 per person.
 - In cooperation with other UN organizations inside Afghanistan, food assistance and working tools will be given to the returnees.
4. The parties recognize that the planning figure and budget may change depending on developments in Afghanistan and contribution of the international community.

ARTICLE 19
Voluntary Repatriation Centers and Border Crossing Stations

1. Prior to the commencement of the repatriation operation, UNHCR shall contribute to establishment, equipping, and completion as soon as possible of voluntary repatriation centers initially in Tehran, Khorasan, Sistan-Baluchestan, Esfahan, Yazd, Kerman, Qom, Fars, Markazi, Hormozgan, and Semnan. Depending on the volume of requests for repatriation and operational needs, voluntary repatriation centers can be increased or decreased.
2. In the Islamic Republic of Iran, Border Crossing Stations including Dogharoun, in Khorasan province, and Milak, in Sistan-Baluchestan province, shall be opened and activated to facilitate voluntary repatriation. In Afghanistan, Border Crossing Stations in Islam Qala in Herat province and Zaranj in Nimrooz province will be operational.
3. More Border Crossing Stations shall be set up in the two provinces of Khorasan and Sistan-Baluchestan in case of increase in the number of refugees and displaced persons wishing to repatriate.
4. In the Islamic Republic of Iran, UNHCR will contribute towards the operational costs of the voluntary repatriation centers and Border Crossing Stations during implementation of the programme. The modus operandi in this regard shall be determined by an agreement to be signed between UNHCR and Bureau of Aliens and Foreign Immigrants' Affairs. UNHCR will also contribute to the operational costs of the Afghan Ministry of Repatriation's offices

in Tehran, Mashad and Zahedan. The government of the Islamic Republic of Iran shall provide required visas. The legal status of these offices shall be determined separately between the Governments.

5. In order to prevent re-entry of those repatriates who might return to Iran for the sole purpose of receiving assistance and for reasons not stated in the 1951 Geneva Convention, the Government of the Islamic Republic of Iran will, in the voluntary repatriation centers, fingerprint those Afghan nationals opting for repatriation who had not taken part in the 2001 registration exercise. UNHCR will contribute towards the relevant costs.

ARTICLE 20

Interview and Issuance of Exit Permit

1. UNHCR will ensure the voluntary nature of the repatriation of refugees and displaced persons. In this respect, this Organization, in consultation with the other members of the Tripartite Commission, shall devise the most appropriate means for the interviewing. Subsequently, the Government of the Islamic Republic of Iran will issue exit permits for the applicants.
2. The Afghan authorities shall recognize duly completed UNHCR Voluntary Repatriation Forms (VRFs), as valid identity documents and travel documents for the purpose of return to final destinations in Afghanistan.

ARTICLE 21

Transportation

1. UNHCR shall, in cooperation with the Government of the Islamic Republic of Iran, provide transportation facilities in Iran through the government, cooperative, and public sectors or the International Organization for Migration for the refugees and displaced and their belongings from all across the country. Furthermore, the reasonable costs related to transportation will be borne by UNHCR.
2. To improve communication roads in Afghanistan and facilitate the repatriation of the refugees and the displaced persons, UNHCR shall take appropriate actions to attract international funds and the Interim Authority of Afghanistan shall create necessary conditions for the implementation of relevant projects.

ARTICLE 22

Mine-Awareness

While emphasizing the necessity of deploying UN staff and doubling their efforts towards conducting minesweeping and mine awareness projects, the Parties insisted on the need for actions to prevent mine-related risks.

ARTICLE 23
Customs Formalities

1. The Governments shall, in accordance with their internal laws and regulations, take necessary measures required for the facilitation and acceleration of customs formalities in all border-crossing stations.
2. The Government of the Islamic Republic of Iran shall help all returning Afghans to take out their tools and household belongings with customs exemption unless prohibited.
3. All returning refugees and displaced persons can take back their money in Rials and Afghanis. In addition every Afghan can take out up to \$1,000 or the equivalent in other currencies.

ARTICLE 24
Educational, Health and Sanitation Activities

1. The Parties to this Joint Programme recommend that international organizations implement short-term capacity-building workshops parallel with the programme for Afghans to sustain their lives in the country. The said organizations shall also be requested to provide the returnees with as much assistance as it lies in their ability to enable the returnees to work in their own country.
2. The Tripartite Commission shall seek cooperation and partnership of other national and international organizations (including governmental and non-governmental organizations) throughout the repatriation operation in order to deal with the health and sanitation affairs of the returning refugees and displaced persons. Among such measures shall be setting up of health and sanitation posts at the voluntary repatriation centers and border crossing stations, the controlling of vaccination and health documentation, etc.

ARTICLE 25
Validity of Tripartite Joint Programme
under Provisional and Permanent Government
Departments in Afghanistan

The provisions of this tripartite Joint Programme would be recognized and fully respected by the Departments as provided for under the "Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Departments " notably the Interim Authority, the Transitional Authority, as well as the Permanent Government Departments as foreseen to be established under that Agreement.

ARTICLE 26
Resolution of Disputes

Any question arising out of the interpretation or application of this Joint Programme, or for which no provision is expressly made herein, shall be resolved amicably through consultations between the Parties.

ARTICLE 27
Entry into Force

This Joint Programme shall enter into force upon signature by the Parties.

ARTICLE 28
Amendment

This Joint Programme may be amended by mutual agreement in writing between the Parties.

ARTICLE 29
Duration and Extension of the Joint Programme

The duration of this Joint Programme shall be for one year, extendable through mutual agreement and subject to the prevailing circumstances.

In witness whereof, the authorized representatives of the Parties hereby signed in triplicate this Joint Programme.

DONE at, this day of 200., in three original copies, the English and Farsi version being authoritative for interpretation purposes.

For the Government of the Islamic Republic of Iran

For the Interim Authority of Afghanistan

For the United Nations High Commissioner for Refugees