

This Memorandum of Understanding entered into force on June 14, 1995, establishing the procedure for voluntary repatriation and reintegration of Angolan refugees in compliance with the agreements to which Angola is a party, including the Convention on the Status of Refugees of 1951, Protocol on the Status of Refugees in 1967 and the 1969 OAU Convention. Its main objective is to facilitate and orderly return in dignity and security of refugees to their country of origin.

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The Government of the Republic of Angola (hereafter referred to as "the Government") and the United Nations High Commissioner for Refugees (hereinafter referred to as "the High Commissioner" or "UNHCR"); Recognizing that the right of all citizens to leave and return to his country is stated, inter alia, the Universal Declaration of Human Rights and International

Covenant on Civil and Political Rights, of which the Republic of Angola is a party;

Whereas the United Nations High Commissioner for Refugees, according to its mandate, has to ensure international protection to refugees and seek permanent solutions to refugee problems, inter alia, by promoting and facilitating voluntary repatriation to their countries of origin;

Recognizing that voluntary repatriation, where feasible, constitutes the preferred durable solution of refugee problems, and that the attainment of the same requires that refugees be repatriated in safety and dignity;

Recalling that the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, which the Government of the Republic of Angola is a signatory, declares in Article V of the generally accepted principles governing the voluntary repatriation;

Recalling that the Bicesse Accords of May 31, 1991 complemented with the Lusaka Protocol of November 20, 1994, served as a basic instrument for the policy of national reconstruction and reconciliation, based on peace, stability, democracy and social and economic development at Angola;

Considering the Amnesty Law No. 24/91 of 12 July 1991 provides a formal guarantee according to which the Angolan refugees can return to Angola with safety and security, and are not subject to any legal action, legislative or administrative for acts or offenses allegedly committed before or during his exile, in accordance with specified in such legislation;

Given that the Amnesty Law No. 18/94 of 10 November 1994 applies to all crimes against national security and all other related crimes committed by Angolan citizens in the context of military conflict after the general election, since 1 October 1992 until the signing of the Lusaka Protocol;

Recognizing that measures and special arrangements are needed in Angola for the safe and orderly repatriation, as well as the reintegration of Angolan refugees;

AGREED AS FOLLOW:

**ARTICLE 1
DEFINITIONS**

For the purposes of this MoU:

i is considered as a "refugee" an Angolan citizen, as defined in the Nationality Law No. 13/91 of 11 May 1991, living as refugees outside Angola, in the sense defined in Article 1 of the 1969 OAU Convention governing the Specific Aspects of Refugee problems in Africa;

ii is considered to be "returnee" any refugee as defined in subsection (i) of this Article, who voluntarily returned to Angola under this Memorandum;

iii it is considered as "government" the Government of the Republic of Angola; iv it is considered as "UNHCR" or "High Commissioner" the UN High Commissioner for Refugees.

**ARTICLE 2
PURPOSES OF THIS MoU**

1. This Memorandum of Understanding shall provide the measures, arrangements and issues that are needed in Angola to facilitate the orderly return and reintegration in safety and dignity of Angolan refugees.

2. Nothing in the provisions of this MoU shall be construed as a waiver or replacement of any existing or future arrangements between the Government, the relevant countries of asylum and UNHCR on issues similar or related issues.

**ARTICLE 3
SET UP OF A COMMITTEE FOR REPATRIATION**

1. The Government, where necessary, after exchanging views with other relevant parties will establish a Committee for Repatriation. The Committee will support and facilitate the activities of the High Commissioner and other relevant agencies in accordance with this Memorandum of Understanding. In particular, promote measures and activities leading to the building of trust within or outside Angola to encourage Angolan refugees to return.

2. In addition, the Committee will reach an agreement on measures and arrangements necessary to facilitate the voluntary repatriation of Angolan refugees individual from non-neighboring.

3. The Committee will adopt its own Rules and Procedure.

**ARTICLE 4
TREATMENT FOR THE RETURNEES**

1. The returnees will have the right to return to their former places of residence or any other place of their choice within Angola. Not subject to any form of legal process, harassment, discrimination or punishment on the basis of religion, ethnic origin or political affiliation or because they left the country as refugees.

2. The returnees, wherever applicable, will benefit from the provisions of the Amnesty or

clemency in force in Angola.

3. The Government should ensure that returnees have access to land for settlement and use, in accordance with relevant laws of Angola.

4. The Government shall provide appropriate assistance to returnees who try to recover their lost property, in accordance with the laws in force in the country.

**ARTICLE 5
ACCESS TO RETURNEES**

In fulfilling its mandate, UNHCR will have free and unhindered access to returnees in Angola in order to monitor their welfare and the consequences of their return, taking into account the laws of the Amnesty adapted by the Government and other guarantees or safety so that refugees can return in safety and protection.

**ARTICLE 6
SPONTANEOUS RETURN**

The rules governing the voluntary repatriation of Angolan refugees and the treatment of returnees under this Memorandum shall also apply to those refugees who choose to return to Angola on their own, without asking for assistance to the UNHCR.

**ARTICLE 7
VISITS MADE BY REFUGEE REPRESENTATIVES**

To encourage voluntary repatriation, UNHCR and the Government, whenever necessary and appropriate, facilitate visits by representatives of refugees to Angola to find out about the conditions in areas where the refugees intend to return.

**ARTICLE 8
SPOUSES AND CHILDREN NOT ANGOLAN CITIZENS**

1. To preserve the family unit, spouses of returnees and / or children who are not Angolan citizens are allowed to enter and reside in Angola and family members of such returnees. Therefore, the government regularize their residence in Angola in accordance with the provisions of the Immigration Law or other relevant laws.

2. The principle established here also apply to spouses not Angolans and / or children of deceased Angolan refugees who want to enter and reside in Angola in order to preserve their family ties.

**ARTICLE 9
LOCATION AND GATHERING OF FAMILY MEMBERS**

The government shall cooperate with the UNHCR, as well as other relevant organizations in order to locate family members or relatives of returnees who need such assistance and facilitate the gathering of the same.

**ARTICLE 10
SPECIAL MEASURES FOR VULNERABLE GROUPS**

The UNHCR and the Government will take special measures to ensure that vulnerable groups among the refugees receive protection, assistance and care throughout the process of repatriation and reintegration.

**ARTICLE 11
WAIVER FOR IMMIGRATION, CUSTOMS AND HEALTH PROCEDURES**

To facilitate the expeditious return of so many Angolan refugees, the government resign, unless there are laws prohibiting the entry of certain goods in Angola, the normal immigration formalities, customs duties, taxes and health in the border posts, in benefit of refugees wishing to return with their personal property under this Memorandum.

**ARTICLE 12
TRANSIT CENTERS**

1. Should it be necessary, the Government shall provide a UNHCR field or appropriate facilities to be used as transit centers.

 2. The Government, after exchanging views with the UNHCR, will ensure the necessary security in transit centers, ensuring that freedom, security and dignity of returnees remain.

 3. The government officials or any other interested parties may, after exchanging views with the UNHCR, have access to transit centers.
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**ARTICLE 13
OFFICES OF UNHCR ON THE FIELD**

In order to fulfill more effectively its responsibilities under this MoU, the UNHCR may, whenever necessary, and after exchanging ideas with the Government to open Field Offices in the border posts or near the same, the reception centers, transit centers or final destination places.

**ARTICLE 14
THE ROLE OF THE UNHCR ON REHABILITATION**

UNHCR, in accordance with its mandate and in coordination with relevant agencies of the United Nations, shall promote rehabilitation of essential services in areas with the highest concentration of returnees in order to create conditions that will encourage refugees to return and that will facilitate the effective reintegration.

**ARTICLE 15
DISPLACEMENT AND SAFETY OF THE STAFF OF UNHCR**

1. The Government will facilitate, at border crossings in and out of Angola, not only the movement of UNHCR staff but also the staff and its executive partners. In particular, the Government will ensure that such persons are provided with an exit and entry permit valid for the duration of the repatriation operation.

2. The Government, when necessary in cooperation with other relevant parties, shall take all appropriate measures to ensure the safety and security of UNHCR staff, as well as other staff involved in the repatriation operation as set forth in this Memorandum.

ARTICLE 16
HUMANITARIAN GOODS, MATERIALS AND EQUIPMENTS

1. The Government shall exempt all humanitarian goods, materials and equipment to be used in the operation of repatriation and reintegration of all taxes, duties and contributions. The customs clearance as well as the management of these resources coming in Angola will be facilitated.

2. The Government must allow the UNHCR to use the equipment, frequencies and radio communications networks from UN, and facilitate, where operational needs arise, the assignment of other frequencies.

ARTICLE 17
OTHER AGREEMENTS ARE STILL VALID

This Memorandum shall not affect the validity of any existing agreements, understandings or arrangements between the Government of Angola and UNHCR. When necessary or appropriate, one can count on such agreements, commitments or arrangements to facilitate the operation of repatriation and reintegration of Angolan refugees.

ARTICLE 18
RESOLUTION OF DISPUTES

Any question regarding the interpretation or application of this Memorandum or that can not be resolved under the provisions of this Memorandum shall be settled amicably through an exchange of views between the Contracting Parties.

**ARTICLE 20
EXPIRY DATE**

This Memorandum of Understanding is valid until terminated by mutual agreement between the Government and UNHCR. DONE at Luanda on 14 June 1995 in two original texts, in English and Portuguese respectively, both being equally authentic.

BY THE GOVERNMENT OF THE REPUBLIC OF ANGOLA BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

(Name)

(Title)

(Signature)

(Name)

(Title)

(Signature)