

**TRIPARTITE AGREEMENT**

**FOR**

**THE VOLUNTARY REPATRIATION OF NIGERIAN REFUGEES**

**LIVING IN CAMEROON**

**BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF CAMEROON,**

**THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA**

**AND**

**THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

## PREAMBLE

**The Government of the Republic of Cameroon**, the country of asylum, hereinafter referred to as the "the Government of Cameroon",

**The Government of the Federal Republic of Nigeria**, the country of origin, hereinafter referred to as "the Government of Nigeria",

**The Government of the Republic of Cameroon and the Government of the Federal Republic of Nigeria**, hereinafter referred to as "the two Governments",

**The United Nations High Commissioner for Refugees**, hereinafter referred to as "the UNHCR",

- (a) **Recalling** that Resolution 428 (V) of the General Assembly of the United Nations of 14 December 1950, which adopted the Statute of UNHCR, confers upon the Office of the High Commissioner the tasks of assuring the international protection and the identification of durable solutions for refugees, notably by promoting and facilitating their voluntary repatriation and reintegration, in their country of origin;
- (b) **Noting** the Convention on privileges and immunities of the United Nations adopted in New York, on 13 February 1946;
- (c) **Noting** the Branch Office Agreement of 8 May 1982 between the Government of Cameroon and UNHCR;
- (d) **Noting** the Branch Office agreement of 14 September 1982 between the Government of Nigeria and UNHCR;
- (e) **Recognizing** that the right of all citizens to leave and to return to their own country is a fundamental right enshrined in article 13(2) of the 1948 Universal Declaration of Human Rights and in Article 12 of the 1966 International Covenant on Civil and Political Rights;

- (f) **Considering** the Geneva Convention of 28 July 1951 and its Additional Protocol of 31 January 1967, as well as the Organisation of African Unity (OAU) Convention of 10 September 1969, governing Specific Aspects of Refugee Problems in Africa, to which the two Governments are parties, and which sets out in its Article V internationally accepted principles governing voluntary repatriation;
- (g) **Recalling** law No. 2005/006 of 27 July 2005 on the status of refugees in Cameroon and its enabling decree No. 2011/389 of 28 November 2011 that sets out the organization and operations of refugee management bodies in Cameroon;
- (h) **Recalling** specifically Article 35.1 of the 1951 Geneva Convention relating to the cooperation of national authorities with the United Nations and the monitoring tasks of the provisions of this Convention conferred on the United Nations High Commissioner for Refugees (UNHCR);
- (i) **Cognizant** that Conclusions 18 (XXXI, 1980), 40 (XXXVI, 1985), 74 (XLV, 1994) and 101 (LV, 2004) of the Executive Committee of the High Commissioner's Programme established internationally recognized principles and norms governing the voluntary repatriation of refugees;
- (j) **Mindful of** the atrocities committed by the terrorist group Boko Haram in Nigeria, which, since 2011, have led to the flight of thousands of Nigerian refugees to Cameroon in search of asylum;
- (k) **Recalling** the concerted efforts of the Nigerian government at the local and Federal levels and with the support of the Multinational Joint Task Force (MNJTF) to reestablish peace and tranquility in affected states in the North East Nigeria, the area of origin of the majority of refugees;
- (l) **Recalling** the hospitality provided to the refugees by the Cameroonian population, particularly those of the Far North Region, and the great efforts and sacrifice made by the Government of Cameroon to facilitate their stay on Cameroonian territory;
- (m) **Considering** the working visit made to Cameroon on 22 and 23 February 2016 by the Nigerian Minister of Interior and the Final Communiqué issued at the end of the State visit of the President of Cameroon to Nigeria on 4 May 2016 and the Joint Press Release issued thereafter;
- (n) **Reaffirming** that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, and that in many situations a combination

of these solutions within the framework of a comprehensive approach will be necessary to achieve the lasting resolution of a refugee situation;

- (o) **Reiterating** that voluntary repatriation requires that refugees will voluntarily return in and to conditions of safety and dignity; Reiterating the essentially voluntary character of repatriation [as laid down in Article V paragraph 1 of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa];
- (p) **Recognizing** the need to define the specific procedures and modalities for the voluntary repatriation of Nigerian refugees living in Cameroon and their reintegration in Nigeria, through UNHCR and other United Nations institutions and with the assistance of other intergovernmental and non-governmental organizations;

**Have agreed upon the following:**

**I. GENERAL PROVISIONS**

**ARTICLE 1**  
**Definitions**

For the purposes of the present Agreement,

- 1.1. The term “**Refugee**” refers to any person of Nigerian nationality or any person without nationality whose usual residence was in Nigeria, and who has found refuge in the Republic of Cameroon in line with the relevant national, regional and international legal instruments.
- 1.2. The term “**Repatriated Refugee**” refers to any refugee, as defined in article 1.1, who has voluntarily returned to Nigeria.
- 1.3. The term “**Spontaneously Returned Refugee**” applies to any refugee, as defined in the present article, who has voluntarily returned to the Federal Republic of Nigeria without assistance and without informing the parties to the present agreement of their return prior to such return.
- 1.4. The term “**Parties**” refers to the Government of the Republic of Cameroon, Government of the Federal Republic of Nigeria, and UNHCR in the two countries.

1.5. The system of **asylum** refers to the legal framework, institutions and practices which determine who qualifies as a refugee.

1.6. The term "**Commission**" refers to the Tripartite Commission for voluntary return established by the parties under Article 22 of the present Agreement.

## **ARTICLE 2**

### **Voluntary Character of Repatriation**

2.1. The parties reaffirm that the repatriation of refugees from the Federal Republic of Nigeria living in the Republic of Cameroon will be done solely on the basis of their freely expressed will and on relevant and reliable knowledge of the prevailing situation in Nigeria including in areas of return.

2.2. The Parties shall provide refugees with relevant and reliable information on conditions within the country of origin and the area of intended return on which they may base their decision to return.

2.3. The parties agree that Nigerian refugees who decide not to avail themselves of voluntary repatriation under this Agreement shall not be directly or indirectly coerced to return to Nigeria and that their refugee status shall continue to be recognized by the Governments of Nigeria and Cameroon and by UNHCR and governed by the principles, norms and standards of international protection, enacted by the conventions and texts cited in the preamble.

## **ARTICLE 3**

### **Voluntary repatriation in security and dignity**

3.1. The parties shall agree that the voluntary repatriation of Nigerian refugees under this Agreement shall take place only when the conditions are favourable for the return of refugees in safety and dignity to the place of their final destination in Nigeria.

- 3.2. The Government of Cameroon shall be responsible for the safety and security of refugees, seeking voluntary repatriation as long as they shall be on Cameroonian territory, including in camps, assembly areas and when travelling in convoy to the designated border crossing points. The Government of Nigeria shall be responsible for the safety and security of the returnees from the moment the latter shall arrive on Nigerian territory.
- 3.3. The Parties agree that the voluntary repatriation and reintegration programmes shall assist refugees to return to their final destination in Nigeria, and assist returnees to reintegrate there, each in safety and dignity.
- 3.4. The Governments shall simplify identification, border crossing and entry requirements for returning refugees, including the import of personal belongings and shall inform the Commission of all current procedures and any subsequent amendments.

**ARTICLE 4**  
**Preservation of Family Unity**

- 4.1. In accordance with the principle of family unity, the parties shall put in place mechanisms to ensure that refugee families are not arbitrarily separated but shall be repatriated as units. In case of failure, a mechanism shall be established and implemented to facilitate their reunification in Nigeria.
- 4.2. In order to preserve family unity, spouses and/or children of repatriating refugees who are themselves not citizens of Nigeria shall be allowed to enter and live in Nigeria. This principle established herein shall also apply to non-Nigerian spouses as well as children of deceased Nigerian refugees who shall express the wish to enter and stay in Nigeria for family reasons.

**ARTICLE 5**  
**Freedom of choice of destination**

The parties reaffirm that refugees shall have the right and freedom to return and settle in their former place of residence or in any other place of their choice in Nigeria.



**ARTICLE 6**  
**Legal status and equivalences**

- 6.1. The Government of Cameroon shall facilitate the formalities to allow Nigerian refugees to obtain certificates stating their civil status, such as birth, death, adoption, marriage and divorce certificates, as well as other documents related to their legal status during their stay in the Republic of Cameroon. In view of the voluntary repatriation operation, an accelerated system shall be established.
- 6.2. The Government of Cameroon shall also provide refugees, before their repatriation, and at their request, with authentic diplomas and academic certificates that concern them and which they obtained during their stay in Cameroon.
- 6.3. The Government of Nigeria shall recognize all changes of personal status of refugees that occurred during their stay in the Republic of Cameroon including births, deaths, adoptions, marriages and divorces.
- 6.4. The Government of Nigeria shall put in place mechanisms to enable it to recognize, on a case by case basis, diplomas/degrees from universities or professional institutions obtained by refugees during their stay in Cameroon and will deliver appropriate equivalents in conformity with the law at [no/reduced] cost.

**ARTICLE 7**  
**UNHCR access to refugees and returnees**

- 7.1. The Government of Cameroon shall take all necessary steps to guarantee UNHCR's free access to refugees from the Federal Republic of Nigeria living on its territory, for the full implementation of the voluntary repatriation programme. In the same manner, refugees shall be granted free access to UNHCR in Cameroon as will all those repatriated to the Federal Republic of Nigeria, and UNHCR shall have free and unhindered access to all repatriated refugees in Nigeria.
- 7.2. The Government of Nigeria shall cooperate closely with UNHCR in order to ensure that repatriating refugees are treated in accordance with humanitarian and human rights standards in force, including the implementation of the commitments contained in this Agreement.

7.3. To enable UNHCR to carry out its monitoring functions in accordance with paragraphs 1 and 2 of this Article as well as Article 9, the Government of Nigeria will inform UNHCR about every case of arrest, detention and legal proceedings involving repatriated refugees, and will provide UNHCR with the relevant legal documentation on these cases, as well as grant UNHCR free access to repatriated refugees who may be under arrest or in detention.

7.4. Access provided to UNHCR under the first paragraph of the present Article must be, if necessary, extended to other agencies of the United Nations or to international or national non-Governmental organizations with whom UNHCR has concluded agreements for the implementation of one, or several components of the repatriation operation envisaged in this Agreement.

#### **ARTICLE 8** **Guarantees upon Return**

8.1. The Government of Nigeria shall take the necessary measures to ensure that refugees can voluntarily return in safety and dignity, without any fears of harassment, intimidation, persecution, discrimination, prosecution, or any other punitive sanctions whatsoever for having left the Federal Republic of Nigeria or for having stayed abroad as refugees.

8.2. The Government of Nigeria shall ensure that repatriated refugees have access to land to establish themselves and to farm, and to exercise any lawful economic activity of their choice, according to the legislation in place and the pertinent international conventions to which Nigeria is party.

8.3. The Government of Nigeria shall facilitate, to the degree possible, all measures of reintegration by repatriated refugees through restitution of their lands or other personal effects, in accordance with legislation in place and pertinent international conventions to which Nigeria is party. In accordance with international law and principles, this right of restitution is not conditional on return of the refugees to Nigeria.





- 8.4. The Government of Nigeria shall ensure that all repatriated refugees are exempt from paying various taxes such as, income tax, import duties and national financial obligations for a period of one year or for another duration deemed necessary, in accordance with arrangements provided by national legislation.

## **II. ADDITIONAL RESPONSIBILITIES OF THE PARTIES**

### **ARTICLE 9**

#### **Supervisory role**

- 9.1. The Governments commit themselves to respect the supervisory and coordinating role of the voluntary repatriation of refugees by UNHCR, to ensure that the repatriation is carried out voluntarily and in compliance with conditions of safety and dignity.
- 9.2. Correlatively, UNHCR commits itself to cooperate with all relevant Government structures, the United Nations, as well as international and non-Governmental organizations involved with providing assistance to refugees from Nigeria and for the implementation of voluntary repatriation.

### **ARTICLE 10**

#### **Rehabilitation of refugee reception centres and resources for repatriation and reintegration activities**

- 10.1. At the end of the voluntary repatriation operation, UNHCR will play its role as a catalyst, in collaboration with the two Governments, with a view to soliciting support from the international community, particularly donors, to help in the rehabilitation of the areas that have been affected by the presence of refugees.
- 10.2. The parties shall do their best to obtain from the international community the necessary resources to implement the repatriation operation. The parties shall also endeavor to obtain the resources required to implement reintegration, rehabilitation and reconstruction activities in Nigeria, in accordance with internationally-agreed development goals and related national planning efforts. The Government of Nigeria shall make appropriate arrangements to include the needs of repatriated refugees in national reconstruction and development plans.

#### **ARTICLE 11**

##### **Spontaneous returns**

- 11.1. The parties acknowledge that all guarantees and other arrangements stated in this present Agreement and which govern the voluntary repatriation of refugees from Nigeria living in Cameroon will be applied also to those who spontaneously return to Nigeria by their own means.
- 11.2. The parties acknowledge that refugees from Nigeria living in Cameroon who decide to return without assistance will do so at their own pace and by their own means.

#### **ARTICLE 12**

##### **Public Information Campaign**

- 12.1. In cooperation with the two Governments, UNHCR will organize information campaigns for Nigerian refugees in order to provide them with objective and accurate information on the repatriation and reintegration process in Nigeria so that they can make a well informed decision regarding voluntary repatriation.
- 12.2. The parties will facilitate visits of Nigerian authorities and other actors to Cameroon to meet with Nigerian refugees so that refugees are informed of the prevailing situation in Nigeria.
- 12.3. In order to create favourable conditions of reintegration of repatriated refugees in safety and dignity, the Government of Nigeria shall take all necessary measures to sensitise the populations residing in regions where refugees are going to be repatriated.

#### **ARTICLE 13**

##### **Acknowledgement visits by Refugee Representatives (Go and See/Come and Tell)**

- 13.1. The parties shall facilitate, where necessary, visits to Nigeria of representatives of the refugee population in Cameroon, for them to acquaint themselves with the prevailing situation in potential areas of return and report back to refugees in Cameroon (Go and See Visits).

13.2. The parties shall ensure that “Go and See Visits” are held within a reasonable timeframe before the promotion of voluntary repatriation.

13.3. The Government of Nigeria shall be responsible for the safety and security of the refugee representatives during the “Go and See Visits” to Nigeria and the two Governments shall permit the refugees to return to Cameroon at the end of such visits without losing their refugee status on account of such a visit.

#### **ARTICLE 14**

##### **Registration and documentation**

14.1. As guarantor of the voluntary character of the decision to return, UNHCR shall plan, in consultation with the Governments, the most appropriate means to register the presence, personal information and intentions of refugees from Nigeria in Cameroon who express the wish to be repatriated.

14.2. The Voluntary Repatriation Form (VRF), issued by UNHCR on the basis of registration data shall be recognized by both Governments as a valid identification document as well as an official travel document during the voluntary repatriation until they reach their final destination in Nigeria. The format and content of this form shall be adopted by mutual agreement amongst the parties and included in the practical modalities of this Agreement.

14.3. The Government of Nigeria shall facilitate the delivery of national identity documentation [at no/reduced cost] needed for the reintegration of repatriated refugees.

#### **ARTICLE 15**

##### **Particular measures for vulnerable groups**

15.1. The parties shall take particular measures so that groups with specific needs shall benefit from protection, assistance and adequate care during all stages of the repatriation and reintegration processes, according to relevant international legal principles and standards.

15.2. In particular, the parties shall undertake measures to ensure that unaccompanied or separated children are not returned prior to adequate tracing of

family members or without specific and adequate reception and care-taking arrangements in place in Nigeria. No unaccompanied or separated child shall be repatriated by one or more of the parties unless a formal best interest of the child determination has concluded the appropriateness of this durable solution.

#### **ARTICLE 16**

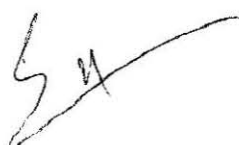
##### **Transfer of detainees**

- 16.1. The Governments agree that Nigerian refugees who have been sentenced to a period of imprisonment for the commission of an imprisonable offence in Cameroon and who are in prison may be transferred to Nigeria if they wish to be. The parties will co-operate to ensure that the appropriate arrangements will be made to transfer and detain them in Nigeria, where practicable for the remainder of their sentence in accordance with the principles of international law.
- 16.2. The persons concerned in article 16.1 shall serve in Nigeria, the sentence pronounced by Cameroonian courts.

#### **ARTICLE 17**

##### **Agreed Exit and Entry Border Points**

- 17.1. The Parties shall agree on the mode of repatriation of refugees from Nigeria, by land or air taking full account of security situation on the ground and the safety and security of refugees.
- 17.2. The Parties shall come to an understanding on border points for exit and entry for organized voluntary repatriation movements. The agreement as to border crossing points can be modified according to the operational requirements of the repatriation exercise.
- 17.3. The Government of Nigeria shall facilitate UNHCR's access by air to the airfields closest to the destinations of repatriating refugees even if these are not among the designated entry points. The Government of Nigeria shall also facilitate customs and immigration formalities at these airports.



## **ARTICLE 18**

### **Customs, Quarantine and Immigration formalities**

- 18.1. To facilitate the rapid return of refugees and their belongings, the Governments shall facilitate health, customs and immigration formalities normally carried out at border crossings, provided that such measures will not give rise to the carriage of prohibited items.
- 18.2. The personal belongings of the repatriating refugees, including livestock and foodstuffs designated for personal consumption, shall be exempt from all customs duties and taxes.
- 18.3. The Governments shall also exempt repatriating refugees from all taxes on passengers as well as other road or airport taxes for vehicles that enter or transit on their respective territories, under the auspices of UNHCR, within the framework of the repatriation operation.

## **ARTICLE 19**

### **Movement and security of personnel and resources of UNHCR**

- 19.1. The Governments shall facilitate the movements of the personnel of UNHCR and its operational partners, as well as vehicles, personal effects, relief goods and equipment used for the repatriation and reintegration process in Cameroon and Nigeria.
- 19.2. The Governments shall authorize UNHCR to deliver to its personnel, for the duration of the repatriation operation, documents to facilitate their passage at the borders in both directions, the format of which shall be decided by a common agreement between the parties.
- 19.3. The Governments shall take appropriate measures to ensure the security of UNHCR and partner personnel and of all personnel engaged in the repatriation operation that is the subject of the present Agreement.

**ARTICLE 20**  
**Personal effects, material and equipment**

- 20.1. The Governments shall exempt UNHCR and its partners from taxes, rights and deductions in respect of all personal effects, material equipment and means of transport designated for the repatriation and reintegration operations. The parties shall expedite the clearance and handling of such items.
- 20.2. The Governments shall authorize UNHCR to use UN communications equipment, including satellite communication networks, designated frequencies and networks for cross-border and internal communication between offices, vehicles and staff and may, whenever operational requirements make this necessary, facilitate the allocation of other frequencies. The relevant written authorizations for equipment, frequencies and cross-border networks shall be issued to UNHCR in accordance with national laws and regulations.

**ARTICLE 21**  
**Additional UNHCR Offices**

UNHCR may open additional offices, in places to be defined in agreement with the concerned Government whenever it deems necessary, with a view to carrying out most effectively its responsibilities arising from the present Agreement.

**III. TRIPARTITE COMMISSION ON VOLUNTARY REPATRIATION**

**ARTICLE 22**  
**Creation of the Tripartite Commission**

- 22.1. The Parties create by the present Agreement a Tripartite Commission charged with the Voluntary Repatriation of Nigerian refugees from Cameroon.
- 22.2. The Parties shall cooperate with members of the Commission at all stages of the Voluntary Repatriation.



### **ARTICLE 23**

#### **Composition of the Commission**

The Commission shall be composed of six (6) members. The Government of Nigeria and the Government of Cameroon will each appoint two (2) members and their substitutes. UNHCR will appoint two (2) members, one chosen in its office in the Federal Republic of Nigeria and the other from its office in the Republic of Cameroon. The names of the members and their substitutes will be given during the month following the signature of the present Agreement.

### **ARTICLE 24**

#### **Role and function of the Commission**

- 24.1. The Commission will be in charge of developing and supervising the execution of measures whose purpose is to facilitate the voluntary repatriation and to further the reintegration of Nigerian refugees living in Cameroon; and to counsel the Parties.
- 24.2. The Commission may invite the contributions of experts or observers as necessary to enrich its deliberations.

### **ARTICLE 25**

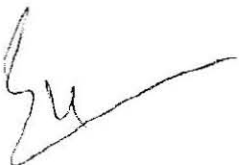
#### **Meetings of the Commission**

- 25.1. The Commission adopts its own internal regulations.
- 25.2. The meetings of the Commission shall be called whenever necessary, within a given time period and at a venue agreed by its members, according to its internal regulations.

### **ARTICLE 26**

#### **Setting up a Technical Working Group**

- 26.1. The Tripartite Commission shall put in place a Technical Working Group on voluntary repatriation in order to assist it in carrying out its responsibilities.



26.2. The Technical Working Group, that will meet whenever necessary alternatively in Cameroon and Nigeria, shall articulate an operational plan and timetable to guide the implementation of the voluntary repatriation exercise.

26.3. In addition to the above, other sub-working groups may be established as necessary.

#### **ARTICLE 27**

##### **Composition of the Technical Working Group**

27.1. The Technical Working Group shall be composed of experts responsible for the management of refugees and repatriated refugees representing the Parties. The persons selected, may or may not be members of the Commission.

27.2. The meetings of the Technical Working Group shall be sanctioned by a meeting report and a press release established by the Secretariat overseen by the Commission with the operational support of UNHCR.

#### **ARTICLE 28**

##### **Validity of other Agreements**

Nothing in, or relating to this Agreement shall be interpreted so as to conflict with the validity of any other agreement, arrangement or mechanism of cooperation existing between the Governments and UNHCR, including headquarter's agreement. Where appropriate, these agreements or mechanisms could be invoked and applied to facilitate the implementation of the objectives of the present Agreement, which relates to the voluntary repatriation and reintegration of Nigerian refugees.

#### **ARTICLE 29**

##### **Privileges and Immunities**

No part of the present Agreement or that which refers to it, will be considered as a waiver, explicit or implied, to the privileges and immunities whatsoever, which may be enjoyed by UNHCR as part of the United Nations, in accordance with international conventions or any other agreement, law or decree of international, national or other character.





**ARTICLE 30**  
**Resolution of Disputes**

Any dispute arising from the interpretation or application of this Agreement for which no provision is expressly made herein, shall be resolved amicably through consultations between the parties in accordance with internationally recognized standards.

**ARTICLE 31**  
**Entry into Force**

The present Agreement will enter into force upon the signature of the Parties.

**ARTICLE 32**  
**Amendments**

The present Agreement may be amended by written mutual consent between the Parties within a period of thirty (30) days from the date of notice of proposed amendment.

**ARTICLE 33**  
**Validity**

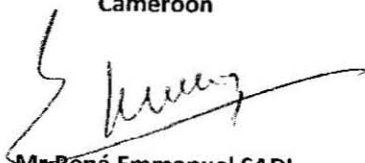
This Agreement shall remain in force until it is terminated by consent of the Parties or upon the issuance of written notice of termination by one signatory to the other signatories, which notice shall become effective at the end of ninety (90) days from the date of issuance, excepting expressly the elements of the obligations of Articles 2 through 8 inclusive, which reflect international law and principles independent of this Agreement and which thus continue.

**IN WITNESS WHEREOF**, this Agreement has been signed by the representatives designated below, duly authorized by the Government of the Republic of Cameroon, the Government of the Federal Republic of Nigeria and UNHCR.



**DONE IN** Yaounde on 2<sup>nd</sup> March 2017 in three original copies in English and French. The two versions shall have equal weight.

For the Government of the Republic of  
Cameroon



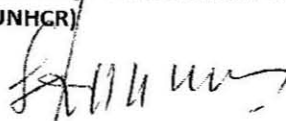
Mr René Emmanuel SADI  
Minister of Territorial Administration and  
Decentralization

For the Government of the Federal Republic  
of Nigeria



Lt. Gen. (Rtd) Abdulrahman Bello  
DAMBAZAU CFR PhD  
Honorable Minister of Interior

For the Office of the United Nations High Commissioner for Refugees  
(UNHCR)



Mr Kouassi Lazare ETIEN  
UNHCR Representative in Cameroon

