



MEMORANDUM OF UNDERSTANDING

Between

THE AGENCY FOR REFUGEE AND RETURNEE AFFAIRS

And

THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Governing

THE VOLUNTARY REPATRIATION OF ETHIOPIAN REFUGEES TO
THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA





The Agency for Refugee and Returnee Affairs (hereinafter referred to as “ARRA”) and the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as “UNHCR”), and collectively hereinafter referred to as “the Parties”,

- (a) *Recognizing* that the right of all persons to leave and return to their country is a basic right enshrined 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* that the United Nations General Assembly Resolution 428(V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to UNHCR the function of providing international protection to refugees and of seeking permanent solutions for the problem of refugees by, *inter alia*, facilitating and promoting as appropriate their voluntary repatriation;
- (c) *Reiterating* that voluntary repatriation requires that refugees will voluntarily return in and to conditions of safety and dignity;
- (d) *Reiterating* the strictly voluntary character of repatriation [as laid down in Article V paragraph 1 of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa];
- (e) *Noting* that Conclusions 18 (XXXI) - 1980, 40 (XXXVI) -1985, 74 (XLV) - 1994 and 101 (LV) -2004 of the Executive Committee of the UNHCR constitute internationally accepted standards and principles governing the voluntary repatriation and reintegration of refugees;
- (f) *Recognizing* the need to establish a framework for co-operation and for joint planning and implementation of coordinated programmes for voluntary repatriation of refugees and reintegration of returnees with the support of the international community;
- (g) *Recognizing* the need to define the specific procedures and modalities for the voluntary repatriation of refugees to the Federal Democratic Republic of Ethiopia, hereinafter referred to as “Ethiopia”, and their eventual reintegration with assistance of the international community;”

Have agreed as follows:

ARTICLE 1

DEFINITIONS

For the purpose of this Memorandum of Understanding,

1. The term “refugee” shall mean any Ethiopian citizen, who is registered by UNHCR as a refugee and who is currently outside of Ethiopia.
2. The term “returnee” shall mean any refugee, who has voluntarily returned to Ethiopia and is now within the territory of Ethiopia regardless of whether the refugee returned with the assistance of one of the Parties or returned in a self-organized manner.
3. The expression “asylum-seeker” shall mean an individual, who is seeking or who has sought asylum, but whose claim has not yet been finally decided on.



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ARTICLE 2

VOLUNTARY CHARACTER OF RETURN

1. The Parties hereby reaffirm that the repatriation of refugees and other persons of concern shall only take place upon their freely expressed wish, based on relevant and reliable knowledge of the current conditions within Ethiopia and in the areas of return.
2. The Parties shall undertake to provide refugees with relevant and reliable information on conditions within Ethiopia and the areas of intended return on which they may base their decision to return to Ethiopia.
3. The Parties shall, as appropriate and necessary, facilitate Go-and-See visits to areas of prospective return by groups of representatives of the refugee population for the purposes of acquainting themselves with the situation in their intended areas of return. They shall report thereon to the refugee communities in the country of asylum.

As a measure of confidence-building, the Parties shall facilitate visits by authorities of the country of origin to the refugees, provided that the refugees have been consulted and have no objections or reservations.

4. The Agency for Refugee and Returnee Affairs shall ensure the safe conduct of such visits and that representatives are permitted to return to their place of asylum upon completion of the visit, and will not lose their refugee status on account of such a visit.
5. The Agency for Refugee and Returnee Affairs may wish, as appropriate and necessary, to undertake verification of nationality of potential returnees prior to any return movement with the full consent and in collaboration with each country of asylum.

ARTICLE 3

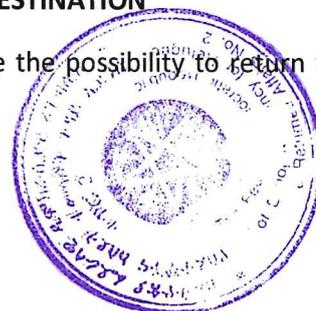
VOLUNTARY REPATRIATION IN SAFETY AND DIGNITY

1. The Parties agree that the voluntary repatriation and reintegration programmes shall assist persons of concern to return to their final destination in Ethiopia, and assist returnees to reintegrate there, in safety and dignity.
2. The Government of Ethiopia shall be responsible for the security of returnees once within the territory of Ethiopia.

ARTICLE 4

FREEDOM OF CHOICE OF DESTINATION

The Parties agree that refugees should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice.





ARTICLE 5

FAMILY UNITY

1. In accordance with the principle of family unity, UNHCR, in cooperation with the Agency for Refugee and Returnee Affairs, shall make every effort to ensure that refugee families return as family units and that involuntary separation is prevented. Where such efforts fail, mechanisms shall be established for their reunification.
2. In order to preserve the unity of the family, ARRA shall facilitate for family members of returnees, who are themselves not Ethiopian citizens, to be allowed to enter and remain lawfully in Ethiopia in accordance with applicable Ethiopian immigration laws. This principle shall also apply to widowed non-Ethiopian spouses, as well as children of deceased refugees, who may wish to enter and remain lawfully in Ethiopia to preserve family links.
3. The Parties shall inform returning persons of concern of requirements for access to documentation during information campaigns and/or the registration process.

ARTICLE 6

ASSURANCES UPON RETURN

1. Refugees, who voluntarily return to Ethiopia, shall in no way be penalized for having left the country for any of the reasons giving rise to refugee situations. They shall as well be able to take up a normal and peaceful life without fear of being disturbed or punished.
2. The returnees shall fully benefit from the relevant provisions of any amnesty or clemency laws in force in Ethiopia. ARRA shall facilitate with relevant government authorities to ensure that returnees are covered under amnesty provisions, where required.
3. The Government of Ethiopia shall, with a view to creating conditions conducive for the reintegration of returnees, take all necessary measures to sensitize and prepare the population residing in areas to which refugees shall be returning.

ARTICLE 7

PROVISION AND RECOGNITION OF VOLUNTARY REPATRIATION FORMS

In accordance with UNHCR's mandate to ensure the voluntary character of the decision to return, UNHCR shall undertake, in countries of asylum, the registration of refugees wishing to repatriate and the verification of the voluntariness of their decision to return. Duly completed and signed voluntary repatriation forms, the format of which shall be mutually agreed upon, shall be submitted to the Ethiopian Government accompanied by other valid identity documents, if any. The Government of Ethiopia shall provide to the repatriating refugees, and their families thereof, necessary travel documents, entry permits and any other documentation, as required, for the purpose of return to areas of final destination in the Federal Democratic Republic of Ethiopia.



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ARTICLE 8

LEGAL STATUS AND DOCUMENTATION

1. UNHCR shall work with countries of asylum to ensure children born on these territories are issued birth certificates prior to their voluntary repatriation. If birth certificates are not issued prior to return to Ethiopia, relevant provisions of the Ethiopian Family Code, the Vital Events Registration Proclamation No. 760/2012 and the Vital Events Registration and National Identity Card Proclamation (Amendment) Proclamation No. 1049/2017 shall apply.
2. The Government of Ethiopia shall recognize the legal and civil status - including any changes thereto during displacement - of returnees, including births, deaths, adoptions, legal guardianship, and guardianship of children under customary law, marriage, and divorce, separation and annulments, and shall recognize documentation or registration proving that status, issued by the country of asylum or elsewhere.
3. ARRA, in collaboration with concerned national authorities, shall be responsible to facilitate issuance of national identity documentation and other legal documents necessary to establish returnees' identity, legal and civil status, nationality and access to services, as appropriate and in accordance with applicable national laws, at no cost to returnees. This shall extend to spouses and/or children of returnees, who are themselves not Ethiopian citizens. This shall also extend to widowed non-Ethiopian spouses, as well as children of deceased refugees, who may wish to enter and remain lawfully in Ethiopia to preserve family links in accordance with applicable national laws.
4. The Government of Ethiopia shall also accord recognition, as appropriate and in accordance with applicable national laws, to the equivalency of academic and vocational skills, diplomas and certificates obtained by returnees during displacement. Replacement or equivalency documents certifying legal status or equivalency of academic and vocational skills, diplomas and certificates of returnees shall be provided by the Government of Ethiopia at reduced costs.
5. The Government of Ethiopia will, as appropriate and in accordance with the applicable national laws, undertake all possible measures to provide vocational, professional and other related educational opportunities aimed at equivalency of academic and vocational skills, diplomas and certificates for returnees.

ARTICLE 9

LAND AND OTHER PROPERTY RIGHTS

1. The Government of Ethiopia shall establish fair and accessible procedures to settle any claims that the returnees may make pertaining to land and other property returnees left behind, when they were forced to flee in accordance with the Federal Democratic Republic of Ethiopia Constitution and other applicable laws of the Country.
2. The Government of Ethiopia shall ensure that the returnees shall enjoy property ownership and protection acquired upon return, in accordance with national laws.



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ARTICLE 10

UNHCR ACCESS TO RETURNEES

1. The Government of Ethiopia shall fully respect UNHCR's supervisory role and all interventions aimed at ensuring voluntary repatriation in safety and dignity.
2. In order to carry out effectively its international protection and assistance functions, the Government of Ethiopia shall grant UNHCR free and unhindered access to all returnees, and similarly shall grant returnees access to UNHCR, wherever each may be located.
3. The Government of Ethiopia shall, in particular, extend full cooperation to UNHCR to allow them to monitor the treatment of returnees in accordance with humanitarian and human rights standards, including the implementation of the commitments contained in this Agreement.
4. UNHCR shall be granted free and unhindered access to returnees in line with its mandated responsibilities.
5. Intergovernmental or non-governmental organizations implementing humanitarian assistance programmes with UNHCR shall have free and unhindered access to returnees in the context of this Agreement, as appropriate and in prior consultation with ARRA.

ARTICLE 11

INDIVIDUALS WITH SPECIFIC NEEDS

1. The Parties shall take special measures to ensure that individuals or groups requiring special attention, such as returnees with medical conditions and disabilities among others, receive adequate protection, assistance and care throughout all stages of the repatriation and reintegration process.
2. The Parties shall ensure that measures to reunite unaccompanied or separated minors, for whom family tracing has been positively concluded, with their families or caretakers are in place prior to their departure from the country of asylum.

ARTICLE 12

SELF-ORGANISED VOLUNTARY REPATRIATION

The Parties hereby recognize that all assurances, guarantees, benefits and other provisions set out in this Memorandum of Understanding that governs the voluntary repatriation and reintegration of Ethiopian returnees shall also apply to those refugees, who return to Ethiopia using their own means on condition that their former refugee status is sufficiently established and endorsed by UNHCR.

ARTICLE 13

DESIGNATED BORDER CROSSING POINTS AND TRANSIT ARRANGEMENTS

The Parties shall agree on border crossing points and related transit arrangements for organized voluntary repatriation movements, taking full account of the security situation on the ground and the



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safety and security of returnees. UNHCR shall work with authorities of the country of asylum to resolve border crossing and transit arrangement related problems arising in relation to repatriating refugees in the country of asylum. Such arrangements may be modified as mutually agreed by the Parties to better suit operational requirements.

ARTICLE 14

IMMIGRATION AND CUSTOMS FORMALITIES

1. The Government of Ethiopia agrees that it will facilitate identification, border crossing and entry requirements for returning refugees, including the import of personal belongings and shall inform UNHCR of all current procedures and any subsequent amendments.
2. Refugees' personal or communal property, including livestock, shall enjoy exemption from customs duties, charges and tariffs pursuant to applicable Ethiopian Customs laws.
3. ARRA shall facilitate waivers of any fees, as well as road or other taxes for vehicles operating under the auspices of UNHCR, entering or transiting Ethiopian territory for the purpose of the voluntary repatriation operation.

ARTICLE 15

OPERATIONS PLAN

For any other operational issues, an Operations Plan annexed to this Memorandum of Understanding will guide the implementation of the practical modalities.

ARTICLE 16

VALIDITY OF OTHER AGREEMENTS

1. This Memorandum of Understanding shall not affect the validity of any other existing agreements or arrangements of cooperation between the Parties. To the extent necessary, possible or applicable, such agreements or arrangements may be relied upon and applied to assist the achievement of the objective of this Memorandum of Understanding, namely the voluntary, safe and dignified voluntary repatriation of refugees and returnees to the Federal Democratic Republic of Ethiopia.
2. Nothing in this Agreement shall be deemed a waiver, express or implied, of the privileges or immunities enjoyed by UNHCR and its staff.

ARTICLE 17

ENTRY INTO FORCE

This Memorandum of Understanding shall enter into force upon signature by the Parties.





ARTICLE 18
AMENDMENT

The present Memorandum of Understanding may be amended in writing by agreement of the Parties

ARTICLE 19
TERMINATION

This Memorandum of Understanding shall remain in force, until it is terminated by agreement of the Parties or upon the issuance of written notice of termination by one signatory to the other signatory, which shall become effective at the end of ninety (90) days from the date of issuance, excepting expressly the obligations of the Articles which reflect international law and principle independent of this Memorandum of Understanding and which thus continue.

In witness whereof, the authorized representatives of the Parties have hereby signed the present Memorandum of Understanding.

Done in Addis Ababa on this 29th day of May 2019.

Clementine Awu Nkweta Salami
UNHCR Representative in Ethiopia

Addisu Kebelessa
Deputy Director General

For the Agency for Refugee and Returnee Affairs (ARRA)

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

