

# Voluntary Repatriation: International Protection

HANDBOOK

## VOLUNTARY REPATRIATION: INTERNATIONAL PROTECTION

1996  
United Nations High Commissioner for Refugees  
Geneva

HANDBOOK

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Working  
towards and implementing  
voluntary repatriation is to  
give refugees a chance to  
break away from being  
victims of persecution and  
to become a genuine part  
of the solution.

Shirley C. deWolf,  
Christian Care,  
Zimbabwe

## **Preface**

Over the last decade, the Executive Committee of the High Commissioner's Programme has emphasized that the contemporary refugee problem is not, given its dimension and complexity, solely the problem of refugees themselves, but that of the entire community of nations. As such, there has been general agreement that the problem requires a comprehensive approach within a framework of increased state responsibility and international cooperation, solidarity and burden-sharing.

Persons compelled to flee their country of origin principally to escape threats to their life, liberty, freedom or physical integrity must be able to call upon, and to receive, the protection and assistance of the international community. The purpose of international protection is not, however, that a refugee remain a refugee forever, but to ensure the individual's renewed membership of a community and the restoration of national protection, either in the homeland or through integration elsewhere. Voluntary repatriation is usually viewed as the most desirable long-term solution by the refugees themselves as well as by the international community. UNHCR's humanitarian action in pursuit of lasting solutions to refugee problems is therefore oriented, first and foremost, in favour of enabling a refugee to exercise the right to return home in safety and with dignity.

In recent years, UNHCR has increased significantly its involvement in voluntary repatriation operations, and it was felt that UNHCR field staff and their partners should have at their disposal a consolidation of the basic protection principles relating to voluntary repatriation, as well as of the Office's operational experience in this field. This Handbook on the protection aspects of voluntary repatriation is intended for UNHCR staff and government and NGO partners working in this area.

The Handbook deals primarily with large-scale refugee situations. The term "refugee", as used in this Handbook, denotes all persons outside their country of origin for reasons of feared persecution, armed conflict, generalized violence or gross violations of human rights and who, as a result, need international protection. For purely practical reasons, other categories of persons who may need UNHCR assistance to return home are not covered.

We have tried to outline a wide variety of practical approaches to protection issues in voluntary repatriation operations in order to provide ideas and tools. We are aware that certain suggested courses of action may not be relevant or implementable in every operation. Users of this Handbook are therefore encouraged to look at it with a view to selecting actions according to their specific requirements, while ensuring that the fundamental principles are observed.

We hope that the Handbook, intended to be used with the UNHCR Training Module on Voluntary Repatriation, will provide field staff and UNHCR partners with a practical protection tool, and promote consistency in international refugee protection and in the practice of agencies working in this area.

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*Director*

Division of International Protection  
UNHCR Geneva  
April 1996

## **Chapter 1 - UNHCR's Mandate for Voluntary Repatriation**

UNHCR's role and responsibilities with regard to voluntary repatriation have been developed over decades through texts, instruments, and practice. In this process, the mandate of UNHCR has been refined and extended, from the initial consideration that UNHCR's responsibility ended when repatriants crossed the border back into their home country, to a substantive involvement with regard to securing protection and providing assistance to returnees in the country of origin.

Some of the instruments from which UNHCR's mandate for voluntary repatriation is derived, such as the 1951 Convention Relating to the Status of Refugees, have force of law and are binding on states that sign and ratify them. Others, such as the relevant General Assembly Resolutions and Executive Committee Conclusions, belong to the category of "soft law". While not legally binding, they nonetheless signify an international consensus.

### **1.1 The Statute**

General Assembly Resolution 428 (V) of 14 December 1950, adopting the UNHCR Statute, calls upon governments to cooperate with the High Commissioner in the performance of her functions inter alia by "assisting the High Commissioner in (her) efforts to promote the voluntary repatriation of refugees."

Among other functions, the UNHCR Statute also entrusts the High Commissioner with seeking permanent solutions for the problem of refugees by assisting governments and private organizations to facilitate their voluntary repatriation (par. 1) and with providing for the protection of refugees by assisting governmental and private efforts to promote voluntary repatriation as a solution (par. 8(c)).

These statements, however brief, are of great significance because they introduce three principal topics which later Conclusions and Recommendations on the subject have elaborated in detail:

- Repatriation should be **voluntary**.
- UNHCR, governments and private organizations (NGOs) have a joint role to play in voluntary repatriations.
- Voluntary repatriation should be both **facilitated** and **promoted**.

## 1.2 *The 1951 Convention on the Status of Refugees*

While the 1951 Convention Relating to the Status of Refugees does not address the question of voluntary repatriation as such, it contains several provisions with significant relevance to UNHCR's respective statutory functions.

- **Non-refoulement.** Article 33 prohibits a state from expelling or returning ("refouler") a refugee in any manner whatsoever to the frontiers of territories where he or she would be exposed to persecution.
- **Well-founded fear of persecution.** Such fear, as defined in Article 1, is central to the refugee definition of the Convention. The fact that repatriation must be voluntary implies that the subjective fear should have ceased. Refugee status can cease, however, once meaningful national protection is re-established. (*Also see Article 1, par. 4 of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*)

## 1.3 *General Assembly Resolutions*

The UN General Assembly has repeatedly reaffirmed UNHCR's function of promoting voluntary repatriation.1(1) During the Algerian repatriation in 1961 it became apparent that UNHCR could effectively assist in voluntary repatriation operations as required by its Statute, only if it were assigned an active role in the country of origin. Recognizing this, the General Assembly in Resolution 1672 (XVI) 2(2), requested UNHCR to assist in the rehabilitation of Algerian refugees following their return to their homeland. This decision, which effectively broadened UNHCR's competence, has been reiterated in numerous subsequent Resolutions, both in general terms and with reference to specific returnee situations.3(3)

## 1.4 *UNHCR Executive Committee Conclusions*

The Executive Committee of the High Commissioner's Programme first examined the topic of voluntary repatriation in detail in 1980 and recognized in its Conclusion 18 (XXXI) the desirability for UNHCR, whenever necessary, to be involved in:

- Establishing the voluntary character of repatriation.
- Cooperating with governments to assist refugees who express the wish to repatriate.
- Arranging for guarantees to be provided by the country of origin.
- Advising refugees of such guarantees and of information regarding conditions prevailing in their country of origin.
- Monitoring the situation of returnees in their country of origin.
- Receiving returnees in their country of origin and assisting in their reintegration.

While UNHCR's special competence concerning returnees had been recognized in principle by the General Assembly, the above Conclusion for the first time codified it in greater detail.

In 1985, the Executive Committee adopted **Conclusion 40 (XXXVI)** on the same subject and significantly developed doctrine with regard to voluntary repatriation through a clear reiteration of basic

protection principles and through outlining in some detail practical ways and means of promoting this solution, and of making it truly durable through rehabilitation and reintegration assistance.

In particular, UNHCR should:

- Keep the possibility of repatriation "under active review" from the outset of a refugee situation [and as appropriate actively pursue the promotion of this solution].
- Act as an intermediary and promote dialogue between all main parties; tripartite commissions between UNHCR, the country of origin and the country of asylum should be established.
- On all occasions be fully involved from the outset in assessing the feasibility and, thereafter, in both the planning and implementation stages of repatriation.
- Together with other UN Agencies, assist returnees in their reintegration and rehabilitation.
- Be recognized as having a legitimate concern for the consequences of return and be given direct and unhindered access to returnees.

Reaffirming the above Conclusions, the Executive Committee in 1994 underscored "the leading role of UNHCR in promoting, facilitating, and coordinating voluntary repatriation" in **Conclusion 74 (XLV)**.

### **1.5 Requests by the Secretary-General**

On many occasions, UNHCR's responsibilities in major repatriation situations have been spelled out in specific terms by instructions from the Secretary-General. He has requested UNHCR, among other things,

- To act as his Special Representative in order to coordinate and monitor the returnee programme in Vietnam, in 1990.
- To assist returnees and displaced persons in Iraq, in the context of the United Nations Inter-Agency Humanitarian Programme following the effects of the Gulf crisis, in 1991.
- To act as the lead agency in the Cambodia repatriation, in 1991.
- To be the lead agency for humanitarian activities in the Former Yugoslavia, in November 1991, following which UNHCR was designated as the lead agency for the organized voluntary return of refugees and displaced persons to and in the Former Yugoslavia.

### **1.6 Summary of the Current UNHCR Mandate for Voluntary Repatriation**

In light of the above developments, the current UNHCR mandate for voluntary repatriation may be summarized as follows:

- Verify the voluntary character of refugee repatriation.
- Promote the creation of conditions that are conducive to voluntary return in safety and with dignity.
- Promote the voluntary repatriation of refugees once conditions are conducive to return.
- Facilitate the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return.
- Organize, in cooperation with NGOs and other agencies, the transportation and reception of returnees, provided that such arrangements are necessary to protect their interests and well-being.

- Monitor the status of returnees in their country of origin and intervene on their behalf if necessary.
- Undertake activities in support of national legal and judicial capacity-building to help states address causes of refugee movements.
- Raise funds from the donor community in order to assist governments by providing active support to repatriation and reintegration programmes.
- Act as a catalyst for medium and long term rehabilitation assistance provided by NGOs, specialized development agencies and bilateral donors.

## **Chapter 2 - The Protection Content of Voluntary Repatriation**

### **2.1 *International Human Rights Instruments and the Right to Return***

The right of refugees to return to their country of origin is fully recognized in international law.

The Universal Declaration of Human Rights (1948) established in Article 13 (2) that

"Everyone has the right to leave any country, including his own, and to return to his country."

While the Universal Declaration of Human Rights, as a Resolution of the General Assembly, is not a treaty requiring signature or consent, it sets the code of conduct and serves as a point of reference for all universal and regional human rights instruments subsequently adopted.

Thus, the right to return has been enshrined in various binding international human rights instruments, including the International Covenant on Civil and Political Rights (Art. 12 (4)) and the International Convention on the Elimination of all Forms of Racial Discrimination (Art. 5 (d) (ii)), as well as in a number of regional human rights instruments and the national legislation of various countries.

In international human rights law, the basic principle underlying voluntary repatriation is the right to return to one's own country. As a corollary of this right, states are duty-bound to admit their nationals and cannot compel any other state to keep them through measures such as denationalization.

Related to the right of return is the right to a nationality and a number of other fundamental rights, such as the right to life, liberty and security of person, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, the right not to be subjected to arbitrary arrest or detention or exile and the right to freedom of movement. Returnees are furthermore entitled to basic rights, including the right to work, to education, health care, social security and other social benefits.

### **2.2 *Cessation of Status and Fundamental Changes in the Country of Origin***

The 1951 Convention relating to the Status of Refugees and the 1967 Protocol do not address the question of voluntary repatriation of refugees directly. However, the Convention makes clear that refugee status is a transitory condition which will cease once a refugee resumes or establishes meaningful national protection. Article 1 C explicitly defines the various situations in which the cessation of refugee status is warranted. When relating to voluntary repatriation, one may broadly distinguish two categories



of cessation clauses:

Paragraphs (1), (3) and (4) of Article 1 C reflect a change in the situation of the refugee that has been brought about by himself, namely:

- voluntary re-availment of national protection;
- voluntary re-acquisition of nationality;
- voluntary re-establishment in the country where persecution was feared.

In practice, these cessation clauses are not automatically invocable upon repatriation, because the circumstances which provoked the original flight often still subsist.

The "ceased circumstances" cessation clauses (5) referring to nationals and (6) referring to stateless persons, are based on the consideration that:

- international protection is no longer justified on account of changes in the country where persecution was feared, because the circumstances in connection with which a person has been recognized as a refugee have ceased to exist. Thus the person can no longer refuse to avail himself or herself of the protection of the country of his or her nationality/country of former habitual residence.

"Circumstances" refer to fundamental changes in the country of origin, which can remove the basis of the fear of persecution. A mere - possibly transitory - change in the facts surrounding the individual refugee's fear of persecution, which does not amount to a fundamental change of circumstances, is not sufficient to make this clause applicable. A refugee's status should not in principle be subject to frequent review to the detriment of his or her sense of security, which international protection is intended to provide.

Even when the circumstances in the country of origin have undergone a fundamental change, individual refugees may continue to have a well-founded fear of persecution or compelling reasons not to return arising out of previous persecution. Has this been determined, the "ceased circumstances" cessation clauses should thus not apply to them.

The cessation clauses are negative in character and are exhaustively enumerated. They should therefore be interpreted restrictively, and no other reasons may be adduced by way of analogy to justify the withdrawal of refugee status.

The Executive Committee, in **Conclusion 65 (XLII)** of 1991, underlined the possibility of use of the cessation clauses of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection, and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status. This statement reflects a more general humanitarian principle, recognizing that a person who - or whose family - has suffered atrocious forms of persecution should not be expected to repatriate. Even though there may have been a change of regime in his country, this may not always produce a complete change in the attitude of the population, nor, in view of his or her past experiences, in the mind of the refugee.

In its **Conclusion 69 (XLIII)** of 1992, the Executive Committee elaborated on the above and, so as to avoid hardship cases, recommended further that states seriously consider an appropriate status, preserving previously acquired rights, for persons who have compelling reasons arising out of previous persecution to re-avail themselves of the protection of their country. The Executive Committee further recommended that appropriate arrangements, which would not put into jeopardy their established situation, be similarly considered by relevant authorities for those persons who cannot be expected to leave the country of asylum, due to a long stay in that country resulting in strong family, social and

economic links there (see also chapter 3.8 on "Residual Caseload").

It should furthermore be noted that the fact that a cessation clause has come into operation does not preclude UNHCR from assisting returnees.

The fact that the voluntary repatriation of refugees can take place at a **lower threshold** of change in the country of origin than cessation is based on two elements. One is that a "fundamental change of circumstances" implies the consolidation, over time, of a process of stabilization. The other is that the voluntary nature of the refugee's decision to repatriate constitutes the core element in promoting and facilitating repatriation.

### 2.3 Voluntariness

The principle of **voluntariness** is the cornerstone of international protection with respect to the return of refugees. While the issue of voluntary repatriation as such is not addressed in the 1951 Refugee Convention, it follows directly from the **principle of non-refoulement**: the involuntary return of refugees would in practice amount to refoulement. A person retaining a **well-founded fear of persecution** is a refugee, and cannot be compelled to repatriate.

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (see Annex 3) - the only international refugee instrument to date formally elaborating the principles of voluntary repatriation - also stresses the voluntary character of repatriation.

The principle of "voluntariness" must be viewed in relation to both:

- conditions in the country of origin (calling for an informed decision);

and

- the situation in the country of asylum (permitting a free choice).

Voluntariness means not only the absence of measures which push the refugee to repatriate, but also means that he or she should not be prevented from returning, for example by dissemination of wrong information or false promises of continued assistance. In certain situations economic interests in the country of asylum may lead to interest groups trying to prevent refugees from repatriating.

"Voluntariness" is more than an issue of principle. Repatriation which is voluntary is far more likely to be lasting and sustainable. The requirement of voluntariness therefore constitutes a pragmatic and sensible approach towards finding a truly durable solution.

The issue of "voluntariness" as implying an absence of any physical, psychological, or material pressure is, however, often clouded by the fact that for many refugees a decision to return is dictated by a combination of pressures due to political factors, security problems or material needs.

The difficulty of identifying true "voluntariness" enhances the need for UNHCR to scrutinize objectively the refugees' situation. One of the most important elements in the verification of voluntariness is the legal status of the refugees in the country of asylum. If refugees are legally recognized as such, their rights are protected and if they are allowed to settle, their choice to repatriate is likely to be truly free and voluntary. If, however, their rights are not recognized, if they are subjected to pressures and restrictions and confined to closed camps, they may choose to return, but this is not an act of free will.

As a general rule, UNHCR should be convinced that the positive pull-factors in the country of origin are an overriding element in the refugees' decision to return rather than

possible push-factors in the host country or negative pull-factors, such as threats to property, in the home country.

## **2.4 Ensuring Return in Safety and with Dignity**

UNHCR's involvement in voluntary repatriation of refugees should not be overshadowed by the many and often complex logistics issues which at times tend to dominate the practical planning. A number of protection issues need to be examined on both sides of the border to ensure that returns take place in conditions of safety, dignity and security.

### **Return in safety**

Return which takes place under conditions of legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return), physical security (including protection from armed attacks, and mine-free routes and if not mine-free then at least demarcated settlement sites), and material security (access to land or means of livelihood).

### **Return with dignity**

The concept of dignity is less self-evident than that of safety. The dictionary definition of "dignity" contains elements of "serious, composed, worthy of honour and respect." In practice, elements must include that refugees are not manhandled; that they can return unconditionally and that if they are returning spontaneously they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.

Among the elements of "safety and dignity" to be considered are:

- the refugees' physical safety at all stages during and after their return including en route, at reception points and at the destination,
- the need for family unity,
- attention to the needs of vulnerable groups,
- the waiver or, if not possible, reduction to a minimum of border crossing formalities,
- permission for refugees to bring their movable possessions when returning,
- respect for school and planting seasons in the timing of such movements, and
- freedom of movement.

Make appropriate arrangements for the physical safety of unaccompanied women and women heads of household in departure, transit or reception centers (such as separate areas close to the relevant infrastructure with adequate security arrangements, lighting).

## **2.5 Responsibilities of the Host Country**

The following is a summary of the responsibilities of the country of asylum:

- The country of asylum is bound by the fundamental principle of non-refoulement not to return refugees in any manner whatsoever to territories, or to the frontiers of territories, where their life or freedom would be threatened.
- The country of asylum is obliged to continue to treat refugees according to internationally accepted standards as long as they are on its territory.
- The country of asylum should allow UNHCR, in the exercise of its international protection functions, to supervise the well-being of asylum-seekers and refugees.
- The country of asylum should respect the leading role of UNHCR in promoting, facilitating and coordinating voluntary repatriation.
- The country of asylum should contribute to the promotion of voluntary repatriation as a durable solution.
- The country of asylum should allow UNHCR to ascertain the voluntary character of the repatriation, with regard to individual refugees and with regard to large-scale movements.
- The country of asylum should facilitate arrangements and UNHCR's involvement in them, for ensuring that accurate and objective information on conditions in the country of origin is communicated to the refugees.
- In the event of refugees wishing to visit their country of origin to assess the conditions there in the context of possible repatriation, UNHCR and the countries of origin and asylum should seek to facilitate such visits. Under such circumstances, automatic application of the cessation clauses of the 1951 Convention is not appropriate.

## **2.6 Responsibilities of the Country of Origin**

The responsibilities of the country of origin include, in summary:

- The country of origin should allow its nationals to return in safety and with dignity without any fear of harassment, discrimination, arbitrary detention, physical threat or prosecution on account of having left or remained outside the country, and should provide guarantees and/or amnesties to this effect. It should also take all measures to ensure the restoration of full national protection.
- The country of origin should respect the leading role of UNHCR in promoting, facilitating and coordinating voluntary repatriation.
- Where a UNHCR Voluntary Repatriation Form (VRF) is not used for this purpose, the country of origin should provide repatriating refugees with the necessary travel documents, entry permits, and any other documentation required for return.
- Where refugees have lost their nationality, the country of origin should arrange for its restoration as well as for its granting to children born outside the territory and, as appropriate, to non-national spouses.
- The country of origin should seek lasting solutions to refugee problems, inter alia by assuming responsibility for the elimination of root causes of refugee flows and the creation of conditions conducive to voluntary return and reintegration. It should provide full support to the efforts of UNHCR and other actors to the same end.
- The country of origin, recognizing UNHCR's legitimate concern for the well-being of returnees, should ensure UNHCR direct and unhindered access to all returning refugees in order to monitor their situation, in particular the fulfillment of any amnesties, guarantees or assurances provided by the country of origin which may have played a part in the refugees' decision to return. International support may also be important in this context.

Both in the country of origin and in the host country local instruments such as UNHCR Branch Office Agreements, Sub-Agreements etc. may contain clauses relevant to the above and can provide a basis for negotiations and interventions.

## Chapter 3 - UNHCR's Role in Voluntary Repatriation Operations

### 3.1 *Promotion of Solutions, Promotion of Repatriation, Facilitation*

The role UNHCR plays in voluntary repatriation, can best be summarized by the terms **promotion of solutions, promotion of repatriation and facilitation**. Below, certain parameters are set out to give meaning and context to these terms so that there is a common understanding of their usage.

#### **Promotion of Solutions:**

**Promotion of solutions** describes actions taken from the very outset of a refugee situation which could foster a climate for return. It thus refers to activities which could help bring about safe and dignified conditions for refugee repatriation. Such activities associated with the root causes of the exodus, and thus concerned with the refugee's country of origin, which would affect prospects for return, are generally

carried out at the political level and in conjunction with other actors, in particular, regional organizations and the UN Secretariat (see also chapter 3.5 "UNHCR contributing to solutions"). **Promotion of solutions** in this sense must always be attempted.

In carrying out this advocacy role, UNHCR seeks, among other things, to:

- Contribute to national, regional and international efforts to deal with and resolve the root causes of population displacements within the practical and political limits presented by a particular situation.
- Support conflict resolution efforts by creating a humanitarian and non-political space within which all parties concerned with the refugee situation can engage in constructive dialogue to resolve their underlying differences.
- Consult with refugees to involve them in efforts to find a durable solution to their problems. Safeguard the refugees' desires, enhance their decision-making process and, through concerted confidence-building measures, enlist their active participation in assessing the feasibility and desirability of their eventual return home.
- Secure the political will of the country of origin and, as appropriate, the cooperation of the international community to create conditions that are required to actively promote the return of refugees.

### **Promotion of Repatriation:**

The practical measures which can be taken to help refugees return voluntarily once the conditions for this exist are described as **promotion of repatriation**. Promotion of voluntary repatriation movements means actively undertaking broad and wide-ranging measures to advocate refugees' return. Promotion of repatriation can take place when a careful assessment of the situation shows that the conditions of "safety and dignity" can be met: in other words, when it appears that objectively, it is safe for most refugees to return and that such returns have good prospects of being durable. At this stage, refugees require objective and accurate information and support in considering their options, and UNHCR needs extensive feedback from the refugees.

These are some of the **essential preconditions** to be met for UNHCR to promote voluntary repatriation movements:

- There must be an overall, general improvement in the situation in the country of origin so that return in safety and with dignity becomes possible for the large majority of refugees.
- All parties must be committed to fully respect its voluntary character.
- The country of origin must have provided a formal guarantee, or adequate assurances for the safety of repatriating refugees, as appropriate.
- UNHCR must have free and unhindered access to refugees and returnees.
- The basic terms and conditions of return must be incorporated in a formal repatriation agreement between UNHCR and the authorities concerned.

UNHCR may promote repatriation through planning and organizing the voluntary repatriation of refugees under conditions which are conducive to their safe return and durable reintegration, by:

- gaining full access to the refugee population, whether in camps or in settlements, to ensure voluntariness.
- undertaking a comprehensive information campaign to enable the refugees to make their decisions in full knowledge of the facts.

- interviewing, counselling and registering potential repatriants, organizing safe and orderly return movements and adequate reception arrangements.
- developing and implementing (directly or through implementing partners) rehabilitation and initial reintegration programmes.
- monitoring the legal, physical and material security of returnees.

UNHCR can promote voluntary repatriation without being in charge of organizing all aspects of the return movement. Frequently, members of a group will make their own arrangements for return, with or without material assistance from UNHCR.

### **Facilitation:**

Respecting the refugees' right to return to their country at any time, UNHCR may **facilitate voluntary repatriation** when refugees indicate a strong desire to return voluntarily and/or have begun to do so on their own initiative, even where UNHCR does not consider that, objectively, it is safe for most refugees to return. This term should be used only when UNHCR is satisfied that refugees' wish to return is indeed voluntary and not driven by coercion (*see also chapter 2.3 on "Voluntariness"*).

While the condition of fundamental change of circumstances in the country of origin will usually not be met in such situations, UNHCR may consider facilitating return in order to have a positive impact on the safety of refugees/returnees as well as to render assistance which the refugees may require in order to return. Such assistance may have to be given in the absence of formal guarantees or assurances by the country of origin for the safety of repatriating refugees, and without any agreement or understanding having been concluded as to the basic terms and conditions of return.

In designing and carrying out its protection and assistance functions, UNHCR, however, has to make it clear to the authorities and, most importantly, to the refugees, that UNHCR support for such repatriations is based on respect for the refugees' decision to repatriate and cannot be interpreted as an indication of adequate security.

UNHCR's role in **facilitating** such repatriations may include:

- providing information on conditions prevailing in the country of origin in general, and in areas of intended return in particular, which is both accurate and complete.
- providing those returning with limited material assistance for their return.
- advising returnees of the limits of UNHCR protection and assistance in such situations (e.g. the lack of UNHCR presence in the country/area of origin or of agreement with the authorities of the country of origin).
- in addition to this, UNHCR should seek to make refugees aware of any obstacles which may exist to their re-entry to the present country of refuge.
- where possible, in the context of facilitating refugee-induced repatriation UNHCR should also try to seek ways to improve the safety of returnees in their country of origin. When return has become a fact, UNHCR should attempt to negotiate amnesties and guarantees, UNHCR presence in the areas of return and so on.
- If UNHCR is able to establish a presence in the areas of return, UNHCR should aim, to the extent possible, at exercising its returnee monitoring function (*see chapters 6.1 and 6.2*), while still not promoting voluntary repatriation in the host country until such time as the conditions in the country of origin may allow UNHCR to consider moving from facilitation to promotion of repatriation.

### **3.2 Profile of the Refugee Community and of the Country of Origin**

For protection as well as assistance planning and implementation purposes, it is vital to have detailed knowledge of the refugee community, their culture, traditions, concerns and aspirations. Ideally, this information should be obtained and updated from the early stages of a refugee situation so that it can benefit all programmes related to this refugee group, including their possible future voluntary repatriation. Registration and gathering of data for a profile of the refugee population should, therefore, always be done with a view to a possible repatriation operation (see also: *Registration - A Practical Guide for Field Staff*. UNHCR Geneva, May 1994, page 2.2).

In addition, refugee participation in both the design and implementation of programmes that serve them can increase the effectiveness and efficiency of those programmes. Remember, refugee participation makes assistance work. In-depth knowledge of the refugee population and their home country will greatly assist to ensure consultation and participation of refugee women and men in all phases of the repatriation operation.

For concrete proposals as to how to work towards this goal, please consult *A Framework for People-Oriented Planning in Refugee Situations. Taking Account of Women, Men and Children*. UNHCR Geneva, December 1992 and *People Oriented Planning at Work. Using POP to Improve UNHCR Programming*. UNHCR Geneva, December 1994.

#### **Suggestions for action:**

- On both sides of the border, strive towards having a complete and up-to-date profile of both the refugee population and the country of origin with a focus on areas of return by regular information-sharing and consultations with colleagues cross-border.
- Remember, women's perspectives may differ from those of men. Therefore, reflect these differences distinctly in the profile of the refugee population.
- Use the information and resources of NGOs and government departments working with refugees in various sectors in the process of compiling the profile of the refugee community. They should be consulted and involved from the outset. This will avoid duplication of efforts. In order to solicit their support and full cooperation, the methodology of data collection and the exact nature of the information required should be agreed with government and NGOs before the start of the exercise. It can be beneficial to assign various partners specific tasks to obtain certain information according to the agreed format and approach, with UNHCR acting in a coordinating and supervisory role.
- If an up-dated repatriation oriented profile of the refugee population which gives due consideration to issues pertaining to refugee women and children is not available for the planning of a repatriation operation, it is imperative that at least the data relevant for the repatriation operation are obtained as early as possible in the planning phase. This applies not only to refugees residing in camps or settlements, but is just as important for spontaneously settled refugees. Since UNHCR's involvement with spontaneously settled refugees may have been less active before the start of a repatriation programme and considering that they may reside over vast areas, due time and attention needs to be given to "getting to know them". Only then can an operation address their protection and assistance needs adequately.
- Use the knowledge available through the profile of the refugee population to ensure that refugee women participate actively from the outset in the planning and implementation of a repatriation programme.
- Parallel to the efforts in the country of asylum, UNHCR offices in the country of origin, in liaison with their colleagues in the host country, NGOs and other relevant partners should work towards a



repatriation-oriented profile of the country of origin.

- It is recommended that a profile of the country of origin be kept updated from the early stages of a refugee situation. This profile should include all information relevant (for both sides of the border) for an eventual repatriation operation. It is important that this profile contains, in a standardized way, an outline of the administrative structure of the country in as much detail as possible (e.g. province, district, towns, villages also reflecting different names one place may have, while pointing out the one to be used for the exercise). This profile can also serve as guides for staff undertaking information campaigns and registration for repatriation in the country of asylum, thereby avoiding that such documents have to be drawn up from scratch at the beginning of a repatriation operation.

Below is a summary of relevant elements for a repatriation-oriented profile of a given refugee community and of the country of origin:

### **Profile of the refugee community**

- areas of origin (agree on standard spelling of all names of provinces, districts, towns etc. to allow for easy use of the data by all parties concerned; agree which name to use, if one place is referred to by several names)
- causes of flight, including historical factors
- ethnic and/or political and/or religious background
- socio-economic/cultural background
- general family composition, including gender/age breakdowns
- community structure/organization
- vulnerable groups

### **Developments within the refugee community**

- how refugees generally identify themselves vis-a-vis country of origin
- how they view prospects of return
- specific confidence-building measures desired
- any evidence of return visits or decrease in camp population

### **Administrative Structure of the country of origin**

(as detailed as possible, with emphasis on areas of origin)

**Developments in country of origin, particularly the areas where refugees come from**  
(focus: UNHCR in country of origin, but requires cross-border liaison with colleagues and NGOs)

- political and security/military situation
- law and order, including respect for human rights and humanitarian law
- attitude of the local population in country/area of origin to those who fled
- change in refugee flow, especially reasons for diminution
- returns of internally displaced persons
- movements along known migratory or trade routes

**Political developments indicating a move towards reconciliation** (to be sought by UNHCR in country of origin in liaison with NGOs)

- signals from the authorities of the country of origin as to a willingness unconditionally to allow the refugees to return home, in particular:
  - general policy changes
  - positive public statements concerning reconciliation
  - attitudes towards human rights groups
    - formal consultations between country of asylum and country of origin
- willingness to discuss repatriation

**Absorption capacity of the country of origin** (to be sought by UNHCR in country of origin)

- level of damage to infrastructure, especially roads, hospitals, schools, housing, sanitation, water sources/systems
- other considerations limiting the capacity of these facilities
- the extent of military/paramilitary activity in returnee areas
- the scale of internal displacement
- availability of arable land in potential returnee areas (if relevant)
  - presence of land mines and other unexploded ordnance

**Additional elements for the preparation of a draft plan, with cross-border colleagues, with an assessment of the prospects for processing departures and arrivals, including:**

- estimate of potential caseload
- logistics capacity in country of origin and asylum
- effective UNHCR presence and/or coordination in both countries
- presence and support of operational NGOs
- cooperation of other involved parties, such as opposition movements, refugee support groups, human rights monitors

- financial requirements

Cultural barriers are no justification for not involving refugee women fully. Use the People-Oriented Planning (POP) Framework to identify adequate ways and means to ensure consultation with and participation of refugee women from the planning stages of a repatriation operation.

### 3.3 "Organized" and "Spontaneous" Repatriation: Being Prepared

The two voluntary repatriation methods commonly distinguished are:

- organized repatriation (return by means of UNHCR organized transport and possibly linked with other assistance) and
- spontaneous repatriation (return by refugees' own means).

When refugees decide to return spontaneously without UNHCR assistance, UNHCR has no input into the choice of their repatriation method. In situations where a repatriation operation is planned by UNHCR and its partners, the choice of the repatriation method is an important decision which should be taken in consultation with refugee women and men considering factors such as safety en route (including landmines), distances to intended destinations, arrangements for vulnerable groups and availability of commercial transport between the two countries. It may be advisable to consider officially adopting both repatriation methods in one operation, inter alia because repatriations often go through different phases in which the two types of return are combined. Thus those who need transport assistance will receive it and those who make their own arrangements to return are still covered by all other provisions and possibly assistance related to their return.

UNHCR's responsibilities for refugee protection and assistance in voluntary repatriation are engaged regardless of whether refugees are returning in an "organized" manner under UNHCR auspices or "spontaneously" on their own.

Spontaneous repatriations are known to take place unexpectedly, sometimes in conflict situations (see also chapter 5.1 "Repatriation during Conflict"). When this happens, UNHCR still needs to position itself to provide timely and effective protection and assistance, to the extent possible, in the country of origin. The lack of advance notice, planning, and possibly a legal framework makes this much more difficult.

The majority of refugees who repatriated voluntarily in past years did so spontaneously and it is likely that spontaneous repatriation will continue to be a regular feature of refugee return.

The chances of UNHCR being prepared for a refugee-induced spontaneous repatriation, which may take place at any time, will be improved if colleagues are proactive in taking some of the steps foreseen within the framework of organized repatriations. The most important of these are:

- **being well-informed about the refugee caseload**  
especially its origin, history, composition, and its view of developments in the country of origin, and
- **liaising closely with the UNHCR office in the country of origin**

to determine whether internally displaced persons are returning home or whether there are other developments which could lead to return movements, such as a fear of losing one's land or property.

If the indicators for a spontaneous repatriation are present, action can be taken to identify protection and assistance needs in the country of origin as well as intergovernmental and non-governmental agencies to address them. In the absence of all or any of the following circumstances: conflict settlement, fundamental change of the circumstances that lead to flight, repatriation guarantees or frameworks, the issue of assistance in the context of spontaneous repatriation requires careful handling, to avoid that assistance rendered is misinterpreted as promotion of repatriation by UNHCR.

There are situations in which premature refugee repatriation would further destabilize already fragile conditions. Such repatriation may, nonetheless, be sought both by the home country and the host country, or by refugees themselves. Where UNHCR considers that conditions remain objectively too uncertain to permit the fulfillment of guarantees of safety or amnesties, where the return of large groups of refugees would severely overstretch the absorption capacity of the home country or when the political consequences of return could derail a delicate political process, it is UNHCR's responsibility to provide guidance and make its position known. In this process, the types of information obtained through the profiles of the refugee community and of the country of origin as outlined in *Chapter 3.2* will be indispensable.

The best form of "early warning" is maintaining both objective and up-to-date knowledge about the situation in the country of origin and staying in close touch with the refugee community's thinking on the subject of return. UNHCR is well-positioned to be fully alert to both these aspects, and to note changes which may lead to return movements.

UNHCR should take care that any activities relating to assessment of indicators for possible spontaneous return movements, and thus the feasibility of voluntary repatriation, be undertaken in a politically neutral manner, so as not to prejudice subsequent efforts which may be needed to obtain this and other durable solutions.

### **3.4 Cross-Border Coordination**

Any voluntary repatriation operation is a cross-border operation. The extent to which offices and colleagues on both sides of the border cooperate and communicate can make or break an operation. The profiles of the refugee community and the country of origin mentioned above, are one example that illustrates the extent to which work must be done collaboratively, and information sought and shared across the border.

Effective and efficient cross-border coordination calls for a thorough assessment, planning, early installation and proper maintenance of a suitable communications network connecting capitals, refugees' areas of residence in the host country and areas of return.

The importance of cross border coordination and cooperation needs to be reflected in the management structure of the operation. Thus, when planning a repatriation operation and its staffing complement, attention should be paid to establishing a structure that is conducive to the seamless meshing which is indispensable to a successful voluntary repatriation.

The underlying principle of cross-border coordination should be that voluntary

repatriation operations have to be determined by the conditions, absorption capacity and preparedness in the country of origin.

*Suggestions for action:*

- ❑ Repatriation staff on both sides of the border as well as their partners in the operation should be trained jointly.
- ❑ In order for a repatriation operation not to be hampered by the difference in views and interests between UNHCR in the country of asylum and UNHCR in the country of origin, the coordination mechanism for the repatriation operation should involve those key players in the field, who have to actually deal with the sending or reception of repatriants (field to field coordination with support from management as required).
- ❑ Once the relevant policy issues and the operational framework have been agreed upon, UNHCR Field Officers on both sides of the border should be authorized to liaise with each other directly to agree on operational details, while keeping their Sub- or Branch Offices informed.
- ❑ Regular coordination meetings between UNHCR offices on both sides of the border, involving government counterparts and NGOs as required, should be held to ensure that the operation focuses adequately on the needs of the repatriants and the absorption capacity of the country of origin and that it is adjusted properly to the determining factors on both sides of the border.
- ❑ If repatriation movements take place in an organized fashion, their pace and the number of refugees to be repatriated to specific areas of return during a given period should be subject to (written) agreement between the country of origin and the country of asylum and UNHCR in order to avoid overstressing the absorption capacity of the home country.
- ❑ A "Repatriation Liaison Officer" (agreed upon in the context of repatriation negotiations) at the country of origin embassy in the country of asylum and vice versa may provide the UNHCR Branch Offices with a counterpart and contact person on the spot for day-to-day coordination concerning pressing operational issues.

### **3.5 Communication in Repatriation Operations: Whom Do We Talk To?**

UNHCR and its partners in a repatriation operation have to maintain an open dialogue with refugees at all times. Guidelines to this end are therefore reflected in the related chapters. This chapter focuses on the other interlocutors.

#### **UNHCR contributing to solutions**

"The High Commissioner must be neutral and not a partisan to any conflict, political or otherwise, which is a root cause of the refugee problem. The only legitimate bias for the High Commissioner is one in favour of the refugees themselves. This bias is inherent in the humanitarian character of UNHCR's work. To be humanitarian does not mean, however, to be passive and reactive as may have been the case too often in the past."  
*(1990 Ad Hoc Review Group on the Role and Structure of UNHCR)*

In line with its mandate to **promote solutions** to refugee problems, UNHCR can and should contribute to many steps in the process leading to voluntary repatriation. As a first step, the Office can seek to promote conditions conducive to repatriation by contributing to national, regional and international efforts to address the root causes of population displacements. There may be practical and political limits to UNHCR's role, but it is frequently the case that UNHCR, through longstanding familiarity with the refugee situation and key players in the country of refuge, the country of origin, and among the refugee population, can play an understanding and conciliatory role in conflict resolution efforts.

The term "non-political" in the High Commissioner's mandate does not imply that the Office should be totally apolitical in seeking durable solutions to refugee problems. Such solutions will invariably demand a degree of political input. UNHCR cannot play its role effectively without a thorough understanding of the political context which gave rise to refugee problems and in the framework of which the resolution of these problems has to be sought.

The international community looks favourably at so-called 'comprehensive approaches' to refugee problems. The basis of a comprehensive approach is to look broadly at the refugee issue in its regional and local political, economic, historical and military context, to consider the underlying elements and to identify whether and how international initiatives can assist in resolving them. Such initiatives may not target refugees explicitly but may bring about a durable solution for them as a corollary. Alternatively, discussions on refugee issues may themselves provide a certain "humanitarian space" in which more sensitive regional concerns can also be addressed.

The report of the United Nations Secretary-General entitled **An Agenda for Peace** advocates active engagement by the UN in addressing internal conflicts through preventive diplomacy, peace-making, peace-keeping, and post-conflict rehabilitation (or "peace-building"). UNHCR has increasingly been working in tandem with other parts of the United Nations in such activities. Each situation requires a careful analysis of how UNHCR should act to maintain the non-political and humanitarian character of its work.

### ***Suggestions for action:***

- Encourage the participation of women in peace negotiations or negotiations aimed at leading to the settlement of any conflict.
- Ensure that refugee and repatriation related issues are considered in negotiations aiming at conflict resolution.
- Assist host country governments to ensure the introduction into refugee education programmes of elements of education for peace and human rights in cognizance of the role refugee community education can play in national reconciliation.

### **Negotiations with governments**

UNHCR's negotiations with governments in the repatriation context have as their primary aims to create conditions favourable to voluntary repatriation of refugees and thereafter to ensure the smooth implementation of the repatriation programme.

Dialogue with government counterparts on repatriation issues should start as soon as there are indications that voluntary repatriation may become a possibility. Government departments on both sides of the border should be fully involved in any brainstorming and planning from the outset. This chapter focuses on negotiations between UNHCR and individual governments, concerning tripartite negotiations see *chapter 3.6 "Repatriation Negotiations and Agreements"*.

### *Suggestions for action:*

- ❑ In contexts where government counterparts have not been involved in a voluntary repatriation operation before, consider organizing workshops to familiarize them with the principles of voluntary repatriation and UNHCR's role, in particular as it relates to protection, as well as the role of the government and government responsibilities (*consult: Voluntary Repatriation. Training Module. 2nd edition. UNHCR Geneva, December 1993*)
- ❑ Prepare a list of issues pertaining to the envisaged repatriation operation that need to be negotiated with the government.
- ❑ Based on that list, identify the various government departments which need to be consulted. Remember that in a repatriation context UNHCR may have to work with government departments which were not previously involved in the refugee programme (e.g. Customs, Central Bank, veterinary services etc.). It is important that they be involved in the planning process as early as possible.
- ❑ Identify in cooperation with the government counterparts a suitable coordination mechanism to ensure that issues to be negotiated can be taken up in a forum that is acceptable to all concerned and facilitates decision making (e.g. working group on voluntary repatriation, repatriation committee, inter-ministerial working group with UNHCR participation).
- ❑ Use this coordination mechanism as a vehicle to maintain the dialogue with the relevant government departments throughout the repatriation operation.
- ❑ Based on the parameters of the operations plan negotiated with all parties, agree on a clear division of responsibilities between the various government departments, UNHCR and NGOs. Give consideration to doing this in writing (e.g. in the form of a chart listing activities and actors) for future reference of all parties involved.

### **Contacts with Non-State Entities**

UNHCR can, within its strictly non-political and humanitarian mandate, serve as a bridge of communication between the parties concerned. In the past, this was interpreted as limiting contacts with non-recognized bodies. However, the UNHCR Executive Committee has confirmed in its **Conclusion 40 (XXXVI)** (e) (1985) that the High Commissioner's mandate of seeking durable solutions empowers her to take initiatives by "promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication." The same conclusion states that "it is important that [the High Commissioner] establishes, whenever possible, **contact with all the main parties** and acquaints herself with their points of view."

In the **promotion of solutions** to refugee problems, UNHCR acts alongside many others, ranging from the refugees themselves, the governments concerned, other parts of the UN system, inter-governmental and non-governmental bodies, and the media. In addition, non-recognized entities such as armies or militias may be involved. A non-state entity such as a liberation movement or de facto authority may exercise effective control over parts of the country to which refugees wish to return. In such cases, the participation of the non-state entity in discussions on durable solutions and conditions under which voluntary repatriation can take place is essential.

UNHCR's involvement is not linked to the formal status of the parties. However, it must be understood and made clear that UNHCR's contact with any non-state entity takes place:

- without prejudice to the political issue of recognition or status;
- with the consent or acquiescence of the state(s) concerned, or as part of peacemaking

efforts by the United Nations or relevant regional organizations.

In practice, contacts with non-state entities or ostracized or non-recognized governments need to be handled with care. They should not add to prevailing tensions. The nature and scope of UNHCR's contacts with non-state actors must be determined according to the particular situation. Its rationale must always be the compelling need, at the field level, to provide protection and assistance, to promote the principles and objectives of international humanitarian and human rights law, and to ensure humanitarian access.

UNHCR should, to the extent possible, keep channels of communication open with all parties to the conflict pertaining to a refugee situation in order to be able to work actively towards creating conditions conducive for return rather than waiting passively for conditions to change so that refugees can volunteer to return.

### ***Suggestions for action:***

- Become knowledgeable about the structure of the non-state entity you consider dealing with. It may be very different from the government structures you are used to. The central command/authority may not have full control of their forces/representatives in all areas of the country. Assess the need for parallel contacts at different levels or in different geographical areas.
- Try to create government understanding for UNHCR's need for a non-political dialogue with non-state entities which are parties to a conflict.
- Involve churches, NGOs or local human rights groups which have dealings with a non-state entity to establish contact and/or facilitate negotiations.
- Consult ICRC and try to benefit from their experience in dealing with non-state entities.
- Consider designating different focal points in the office for negotiations with government and contacts with non-state entities.
- Do not assume that the non-state entity is familiar with UNHCR, UNHCR's mandate and the way UNHCR operates. To establish a fruitful working relationship, consider a detailed introduction to UNHCR before addressing specific topics.
- In negotiations, spell out clearly the parameters which determine UNHCR contacts with non-state entities in order to avoid false expectations based on an incorrect assessment of UNHCR's role.
- Never disclose information UNHCR has received from either party to a conflict to the other without prior agreement of the party concerned. Underline this principle while negotiating.
- Avoid any measures aimed at "framing" UNHCR into recognition (pictures with UN flags, vehicles etc.).
- When communicating with representatives of non-state entities, do not use forms of address or titles which might imply official recognition.

### **Cooperation with NGOs**

NGOs play an important role in refugee assistance as well as repatriation programmes, often as implementing partners of UNHCR. UNHCR's leading and coordinating role in voluntary repatriation



operations places UNHCR in an ideal position to ensure that NGOs are consulted and kept informed, and that their experience and expertise benefit all stages of a repatriation operation.

### *Suggestions for action:*

- ❑ If one does not already exist, establish a coordination mechanism with NGOs (e.g. repatriation committee, working group) from the onset of repatriation planning. Keep NGOs fully informed of repatriation plans and achievements from the planning to the post-return phase. They have to plan, adjust, scale down or expand their programmes according to the rate of repatriation.
- ❑ Establish a network for information sharing with NGOs. Consult NGOs on information required for the profile of the refugee community and the profile of the country of origin.
- ❑ If necessary, train NGO staff on the principles of voluntary repatriation and UNHCR's role in repatriation operations, in particular as it relates to protection.
- ❑ Agree on a clear "who does what" division of responsibilities with NGOs in the context of the repatriation operation.
- ❑ In your efforts to involve refugee women in the planning and implementation of the repatriation programme, consider improving access to refugee women through NGO programmes targeting refugee women. Women's groups, skills training programmes, feeding centres and so on may be suitable environments for consultations with refugee women. The involvement of NGO workers with whom the women are familiar may facilitate an open discussion.
- ❑ Encourage NGOs to provide UNHCR with information on possible protection concerns and follow-up to verify information provided.
- ❑ Consult NGOs when trying to find a solution to problems of individual refugees with whom they are working and familiar. Joint counselling sessions for e.g. vulnerable individuals may be a way to benefit from their experience and knowledge.
- ❑ As necessary and appropriate, facilitate cross-border coordination and exchange between NGOs and authorities working in the same field or for the same target group. Let NGOs in the country of origin benefit from the experience of NGOs working in the country of asylum and vice versa, since they will be dealing with the same persons during different stages of the programme. Work towards cross-border continuity of programmes.

*(See also the nine recommendations specific to voluntary repatriation which are part of the "Oslo Declaration and Plan of Action" that emanated from the global NGO and UNHCR Conference in June 1994, Annex 8)*

### **3.6 Repatriation Negotiations and Agreements**

Experience has shown and the Executive Committee of the UNHCR Programme has reiterated in 1985 that **tripartite commissions** composed of the country of origin, the country of asylum, and UNHCR are a good way to build confidence, resolve differences, and secure a level of agreement and commitment to the basic principles of voluntary repatriation. Such commissions and their possible technical ad-hoc or sub-committees also have a role to play concerning the practical aspects of planning, implementing and monitoring voluntary repatriation operations.

UNHCR recommends that a tripartite commission be established as soon as possible when voluntary repatriation can be contemplated. Depending on the situation, this may even be in the immediate aftermath of an emergency response. UNHCR must seek to be fully involved in preliminary consultations which may take place between the two governments concerned, and a tripartite commission is a good forum for this. It also offers a better understanding of the conditions which led to the exodus, of

differences in points of view between the governments, as well as the concerns and demands of the refugees and the international community.

UNHCR should, however, **not** enter into (tripartite) repatriation arrangements without due consultation with the refugee women and men concerned. This includes situations where repatriation forms a part of a peace plan.

In initiating formal repatriation-related negotiations, UNHCR must always ensure that repatriation planning does **not** gather a momentum of its own, independent of the considerations of the refugees.

The refugee community should be kept informed of the progress of repatriation negotiations. Formal representation of the refugee community can be considered. Whenever the refugee community is not directly involved in repatriation negotiations, UNHCR must develop and maintain regular communications with the refugees throughout the process. The main purpose is to share information on the progress of talks and on information provided by representatives of their home country, but at the same time to get feedback on their reactions and concerns. At a later stage, the refugees' input with regard to the timing, organization and order of repatriation, as well as the identification of vulnerable groups with special protection or assistance needs, will be essential.

Where political or other circumstances may render it difficult to enter into tripartite negotiations and agreements, UNHCR may consider bilateral negotiations and bipartite repatriation agreements or memoranda of understanding with both the country of origin and the country of asylum. In such situations UNHCR's cross-border coordination role may have to be even more pronounced since the mechanism of bilateral negotiations and agreements does not lend itself as easily as a tripartite context to achieving a common understanding of goals and implementation mechanisms.

While there is no legal limit to the number of parties to a repatriation agreement, agreements among more than three parties require particular care so as to distinguish which obligations are to be fulfilled by which parties. Too many parties may blur this important issue. It may be preferable to designate some of those involved as "observers" where their role is an indirect one.

Other international or regional intergovernmental organizations or NGOs may also participate in meetings of repatriation commissions and similar consultations, formally or in an observer capacity. UNHCR is also party to repatriation agreements which include UN development bodies as guarantors of post-repatriation assistance.

A milestone in negotiating voluntary repatriation is the signing of the repatriation agreement (*see Annex 5 "Sample Tripartite Agreement"*). Such agreements must include the following core protection elements:

- Guarantees of UNHCR's free and unhindered access to all refugees and returnees and free access of all refugees and returnees to UNHCR.
- Refugees' access to detailed information on the advisability and feasibility of repatriation under current conditions.
- Adequate safeguards for the voluntary character of the repatriation.
- Guarantees, by way of amnesties or other official declarations.
- Safety and dignity of repatriants/returnees.
- Assurances of non-discriminatory treatment on return, including access to official documentation and citizenship including for children born abroad.

- Assurances of no unjustifiable interference in refugees' free choice of destination and place of residence in their home country. Freedom of movement in accordance with national laws.
- Exemption from customs duties, tariffs etc. of repatriants' (returnee's) personal and communal property.
- Applicability of assurances, guarantees and other relevant clauses of the agreement to spontaneous repatriants.
- Responsibility of the government of the country of origin to inform UNHCR about every case of arrest, detention or legal proceedings involving returnees and to provide UNHCR with the relevant legal documentation on these cases as well as granting UNHCR free access to returnees in detention centres, prisons etc.
- Continued granting of asylum and protection for those who choose not to repatriate and remain refugees (possible residual caseload), and for newly arriving refugees.

While there is undoubtedly a need for flexibility in order to take into account the particularities of each refugee situation, UNHCR should also ensure that the following issues are considered, as applicable:

- Measures to ensure the fundamental principle of preserving family unity.
- Measures to facilitate advance visits by refugee women and men to the country of origin, if appropriate and necessary, to allow them to obtain and share first-hand information on conditions there.
- UNHCR's role in the registration for voluntary repatriation and the information campaign.
- Use of the VRF and its functions.
- Agreement to waive or reduce to a minimum usual border procedures (i.e. immigration, customs, health, veterinary and other formalities).
- Use of designated border crossing points for repatriation movements.
- Legal recognition of changes in refugees' personal status which occurred abroad (such as births, deaths, marriages, adoptions, divorces).
- Legal recognition, to the extent possible, of school and training certificates or diplomas obtained abroad.
- Particular attention to the personal security of refugee women and special measures to care for especially vulnerable individuals (vulnerable groups) during their return and reintegration process.
- Recovery of or compensation for movable and immovable property left behind by returnees, mechanism for recovery/compensation.
- Returnees' access to land.
- Use of two-way cross-border travel authorizations for staff involved in the operation.
- Exemption from the relevant taxes, duties and levies of all relief goods, materials and equipment required by UNHCR and its implementing partners for the operation. Expedited clearance and handling of such resources.
- Establishment and use of communication systems, frequencies etc.
- Opening of additional UNHCR (Field) offices and UNHCR field presence, as required.
- UNHCR's choice of implementing partners; involvement of NGOs and other entities.

- Undertakings by the countries of origin and asylum to ensure the security and safety of UNHCR staff and all other personnel engaged in the voluntary repatriation operation.
- Designation of Repatriation Liaison Officers at the embassies in both capitals.

The repatriation agreement, the main element within the legal framework of a repatriation operation, should be shared with all UNHCR and government core staff involved in the operation, including field staff. The agreement will provide them with guidance as to underlying principles and policies and serve as a tool in negotiations concerning specific problems (e.g. export of refugees personal belongings, border procedures).

Both in the country of origin and in the country of asylum local instruments like UNHCR Branch Office Agreements, Sub-Agreements etc. may contain clauses relevant to the legal framework of voluntary repatriation and can provide a basis for negotiations and interventions.

It has to be noted, however, that in exceptional circumstances where there is no government authority to negotiate with in the country of origin to which refugees wish to return, UNHCR may have to liaise and negotiate voluntary repatriation operations with local chiefs, elders, religious leaders or any other non-government authority exercising powers otherwise held by government authorities in a given area or country. The principles and guidelines outlined above apply, as appropriate, to such situations as well. The important consideration is that the leaders and the community to which refugees will be returning accept the return and undertake a commitment to ensure that the fundamental rights and freedoms of returnees are respected.

### 3.7 *New Arrivals*

At a time when voluntary repatriation is being promoted or facilitated, there may be a reverse movement taking place, involving new asylum-seekers, or returnees forced to flee a second time. As a general principle, the existence of a voluntary repatriation operation must not undermine refugee protection, including the principle of **non-refoulement**. Returnees, if they are in need of renewed international protection, have the right - just like any other asylum-seekers - to seek and to enjoy asylum and protection. They should have access to status determination procedures to establish their case in the light of the new conditions which compelled them to flee.

If a refugee group, whose voluntary repatriation UNHCR is actively **promoting**, has been granted refugee status by means of prima facie (group) determination, **individual status determination** of new arrivals from the same group and returnees seeking renewed international protection should be a matter of course. If necessary, this should be negotiated and agreed upon with the government of the host country in the context of repatriation negotiations.

In cases where camp registers have been fixed (closed) prior to the start of a massive voluntary repatriation operation, it may also be helpful to consider making separate assistance arrangements, if any, for new arrivals including returnees seeking renewed international protection.

The aim of these measures is to provide international protection to those who need it, while avoiding a "revolving door" phenomenon caused by traditional migration patterns or return motivated by personal

convenience rather than by refugee related reasons.

### **3.8 Residual Caseload**

The element of choice which is inherent in a voluntary repatriation means that, whether UNHCR is promoting or facilitating the movement, there may be refugees who decide not to repatriate. This may be based on a variety of factors. For some refugees, it may be due to their own perception or assessment of the security situation in their country as it directly affects them. Traumatic experiences before or during flight may also cause refugees to choose not to return home.

The group of refugees who remain behind **after** a large-scale repatriation actively promoted by UNHCR are generally referred to as the residual caseload.

Attempts to identify the potential residual caseload should be undertaken early in the voluntary repatriation operation and ideally provisions on how to deal with a possible residual caseload should be included in the (tripartite) repatriation agreement.

The starting point in identifying appropriate solutions for a possible residual caseload is the principle that until conditions for the cessation of their refugee status exist, refugees remain entitled to international protection.

In other words, a refugee may continue to refuse to avail himself or herself of the protection of his or her country of origin so long as the circumstances in connection with which he or she has become a refugee have not ceased to exist.

This should be determined on a case by case basis through interviews with a view to ascertaining whether the individual not wishing to return is still in need of international protection. In particular where refugee status has been granted on the basis of prima facie (group) determination or under temporary protection arrangements, the **individual determination of status** following a mass voluntary repatriation should be explicitly negotiated with the government of the country of asylum.

Persons determined in this procedure as still requiring international protection continue to be treated as refugees. Unless the country of asylum grants them permission to stay as a group, persons no longer in need of international protection should be treated according to the applicable aliens/immigration laws of the country of asylum, with due consideration given to granting residence permits or naturalization to compelling humanitarian cases.

After many years of exile, there may be a group of especially vulnerable individuals without family support (in particular elderly and seriously handicapped refugees) who have lost all contacts with their country of origin and tracing efforts for relatives, who could support them upon return, have failed. For such refugees the only places and people they still relate to are in the country of asylum. UNHCR should work closely with the host government to seek a durable solution in the country of asylum on humanitarian grounds for such persons and others in a similar situation, although they no longer need international protection as refugees.

Even if cessation of the circumstances that led to the need for international protection has come to pass, there may be "compelling reasons" justifying continuation of refugee status on humanitarian grounds as provided for in Article 1 C (5) and (6) of the 1951 Convention.

## **Chapter 4 - Voluntariness: Practical Measures**

### **4.1 Establishing the Voluntary Character of Repatriation**

For UNHCR to ensure and to satisfy itself that repatriation is voluntary, free and unhindered access to the refugees is necessary. In turn, refugees have to have free access to UNHCR without fear of disadvantages or reprisals resulting from such contacts. This applies to camp situations as well as to spontaneously settled refugees. UNHCR needs to monitor conditions and developments inside refugee camps and in spontaneously settled communities which could affect the voluntary character of the decision to repatriate.

The significance of individual choice is an important safeguard against the forced return of a refugee.

However, collective intent and collective decision-making may also be relevant in the context of voluntary repatriation. In some societies, the concept of individual prerogative is weak: Identity as well as physical and economic security are defined in relation to a particular group. The role of acknowledged refugee representatives (such as traditional chiefs, religious leaders or village elders) in the decision-making process concerning repatriation can therefore not be underestimated.

- Considering that leadership structures still tend to be male dominated, UNHCR should ensure, to the extent possible, that the voice of refugee women is heard and that refugee women have a chance to actively participate and influence the collective decision-making process.
- UNHCR should play an active role in ensuring that collective decision-making mechanisms respect the position of those refugees who do not wish to repatriate.

While it may be difficult for UNHCR in certain situations to have direct access to collective decision-making processes, UNHCR should offer its inputs and participation by conducting information campaigns for specific groups or organizing discussion sessions. In situations where collective decision making can be expected to have a strong impact on the repatriation process, UNHCR should:

- avoid talking only to refugee leaders.
- consult with individual refugees and groups of refugee women and men to ascertain and verify to the extent possible that the leaders are true representatives of the refugees' interests and concerns.

UNHCR must intervene where there is any evidence of coercion or pressure.

#### Refugee repatriation is **not** voluntary when

- host country authorities deprive refugees of any real freedom of choice through outright coercion or measures such as, for example, reducing essential services, relocating refugees to hostile areas, encouraging anti-refugee sentiment on the part of the local population.
- factions among the refugee population or exiled political organizations influence the refugees' choice either directly by physically pressuring them to return, or indirectly by activities such as disinformation campaigns about the risk of remaining in the country of asylum or dangers related to returning home.
- certain interest groups in the host country actively discourage voluntary repatriation by disseminating false information including incorrect promises of assistance, economic opportunities or improvement of the legal status.

In such cases it is essential to declare clearly to the authorities concerned that UNHCR is opposed to the action and to seek corrective measures. This should be done both in the field and at Headquarters and, if necessary, at the highest level through the intervention of the High Commissioner.

While UNHCR must, even in cases of non-voluntary return, seek to ensure the safety of the expellee (including, if necessary, through resettlement), care should be taken to avoid actions which may "encourage states to abrogate their responsibility towards those seeking asylum" (*IOM/78 FOM/77/92, p.42*). UNHCR's primary duty is to promote respect for, and prevent the erosion of, the principle of non-refoulement.

***Suggestions for action, if factions of the refugee population consciously disinform other refugees on issues pertaining to their repatriation:***

- Establish and maintain a dialogue with the refugee population (and not only with its leaders) on the issue of their return home. Carefully assess which channels of communication to use and how best to involve a representative cross-section of the refugee population in the dialogue.
- Identify and analyze which sources of information are used by the factions of the refugee population disinforming refugees about return and their specific interests that motivate the disinformation.
- Strengthen the information exchange between UNHCR in the country of origin and in the country of asylum with respect to both the situation in the areas of return and the situation of individual returnees. It is of utmost importance that UNHCR in the country of asylum is informed in detail and is up-to-date when sharing information with refugees.
- Increase and strengthen UNHCR's capacity to conduct information campaigns in terms of human and material resources.
- As part of confidence-building, be as transparent as possible about UNHCR's aims and objectives as well as implementation mechanisms when dealing with refugees.
- As appropriate, try to liaise with the relevant authorities in the country of origin and the country of asylum to solicit their support against disinformation of refugees.
- Try to become a trusted source of information to the influential refugee representatives.
- Ensure that all refugees have access to the information provided by UNHCR and that the independence and neutrality of those who provide it is recognized by all.
- Provide as much information that can be substantiated by facts and visible proof, so that it cannot be disputed (use photos, videos, films).
- Arrange regular cross-border visits involving, local authorities, returnees and UNHCR staff (involve other agencies as appropriate) to provide refugees with first-hand information about the situation in their country.
- Set up mechanisms that allow those refugees who disagree with their leaders conducting misinformation campaigns to approach UNHCR and make their views known without fear of reprisals.
- Consider, as appropriate, denouncing publicly the sections of the refugee population providing disinformation.

## 4.2 *Information Campaigns*

Only an informed decision can be a voluntary decision. It is therefore important to provide bridges which refugees can use to gather information from sources they can trust.

Information campaigns are UNHCR's core responsibility and principal mechanism to promote voluntary repatriation and to ensure that refugees' decisions are taken in full knowledge of the facts. Where UNHCR is only facilitating (spontaneous) repatriation, information campaigns with a view to promoting voluntary repatriation are not normally appropriate. However, the provision of accurate and objective information on the situation in the country of origin by UNHCR will be an important activity. When providing information in the absence of an intent to promote repatriation, some of the following methods of information-sharing may still be useful.

The methods of sharing information may include:

- posters and leaflets
- verbal presentations at public or community meetings
- broadcasts on public address systems
- audio tapes, videos or films
- establishment of refugee information committees
- house-to-house visits by UNHCR staff and information committee members
- individual counselling
- approaching refugees through NGO networks, churches and other groups
- advance parties, including refugee women, for reconnaissance visits to areas of return, followed by reports back to the community. Such visits must be limited to activities of a non-political nature and directly related to voluntary repatriation.
- visits by authorities of the home country to the refugees, provided that the refugees have been consulted and have no objections or reservations. Provided that it is politically acceptable, it may be of great confidence-building value if following a peace accord, representatives of both/all parties to the conflict jointly or consecutively visit refugees.
- provision of publications (newspapers, etc.) and possibly radios to reading/listening groups to enable refugees to follow the news on their country
- reaching and consulting with refugee women through women's groups and representatives, NGO programmes focusing on or involving women. Health clinics, vaccination points, feeding centres are some of the venues where women are likely to gather.
- cultural performances, song and drama
- in the absence of a postal system or an ICRC system of "Red Cross family messages" that allow refugees to communicate with their relatives still in the home country, UNHCR may as a means of information sharing as well as confidence-building consider (with the consent of both governments) setting up a postal service by field staff in both countries, collecting letters which are then delivered to the country of origin or to the camp.



Through knowledge of and consultation with the refugee women and men, ensure that means of information dissemination are culturally acceptable in order to avoid misperceptions and alienation.

An information campaign should, as appropriate, include the following:

- a description of the conditions in the country of origin in general, as well as details of the situation in specific area(s) of return, including the level of security and problems such as the presence of landmines. Positive elements like infrastructure rehabilitation projects, QIPs etc. should also be included.
- information as to the precise nature of UNHCR's assistance and protection role in both the country of asylum and the country of origin as well as information on assistance that returnees cannot expect so that they can prepare themselves adequately.
- the text of guarantees or assurances provided by the government of the home country, supplemented by explanations as to their content and scope, as appropriate.
- how to contact UNHCR upon return in the country of origin in case of protection problems.
- information on the roles of other organizations and partners involved in the repatriation operation and rehabilitation/ reintegration programmes.
- repatriation procedures including customs, immigration and health formalities; any restrictions concerning personal or communal property refugees are allowed to take.
- registration procedure and documentation (VRF).
- timing and phasing of the operation.
- access to land for residential and agricultural purposes, access of female returnees to land. Do male and female heads of returnee households have the same access to land?
- specific information for vulnerable groups on special arrangements made for them.
- de-registration procedures from the assistance programme, if any.
- procedures and options for those, who do not wish to repatriate.
- if applicable, the importance of the participation in mine awareness training courses and their non-military character should be stressed (*see also chapter 6.5 on "Landmines"*).

Information campaigns should not be a one-way channel of communication. To address refugees' information needs adequately, UNHCR has to listen to the questions and concerns of refugee women and men concerning their repatriation.

When designing and implementing an information campaign, the following should be taken into account:

**Access to updated information.** The entire refugee population is entitled to direct access to the information campaign. It is also important that the information be kept current, which may mean regular updating throughout the campaign in cooperation with UNHCR in the country of origin.

**Objectivity and accuracy.** UNHCR, and individual colleagues in such operations, are not "at fault" if refugees decide not to return home. They are at fault, however, if false information is conveyed with the acquiescence of the Office. The information campaign must be objective, accurate and neutral. It is not propaganda, and care must be taken not to paint an overly rosy picture of the return. Refugees should be fully informed of the limits of UNHCR's protection and assistance following their return. They must be informed of any obligations which return will place on them. Finally, they need to know about what will happen in the event they decide not to volunteer for repatriation (*see chapter 3.8 on "Residual Caseload"*). If required, obtain guidance and advice from professionals in the field of public information.

**Clearance of information with other parties.** If possible, information provided by UNHCR in oral or written form should be agreed with both the government of the host country and the government of the country of origin (the latter possibly represented by the Embassy). As a confidence-building measure, pamphlets and posters can be signed by representatives of these three parties. If all parties agree on the information to be provided, situations where refugees receive different information from different sources will be avoided.

**Refugee women.** Consideration has to be given to how the information campaign can be tailored to the needs of refugee women. Use the expertise of persons trained in gender-sensitive techniques. Women should be given adequate opportunity to express their views on the repatriation as part of any designated representatives of the refugee community, as individuals, and as a group. Refugee women should be actively involved in the planning and implementation of the information campaign (e.g. through participation in information committees). In contexts where women are unlikely to participate in meetings also attended by men, separate information meetings and counselling sessions should be set up for refugee women. If information committees are established, a women's information committee is needed as well. It is important to note that the principal concerns expressed by women in connection with repatriation may not be identical to those voiced by men. If this has been identified, the information needs of women have to be addressed with the same attention as the concerns and questions raised by men.

Arrange the timing of information and counselling sessions in a manner that allows refugee women to participate without neglecting their daily routines.

Pay attention to possible different language skills and literacy rates of women and men in a given refugee situation. For instance, if refugee men were more likely to work in the formal sector in the country of origin, they may speak the official language and have a higher literacy rate, while women may only speak and understand a local language and will not have direct access to written information. Ideally, information should be provided in the first language of the refugee population or a language as close to that one as possible.

Ensure that refugee women and men have the same access to information pertaining to their voluntary repatriation.

Ensure that ground level support staff have full information to share and are not confined to a basic need-to-know short list which supervisors may have determined.

**Refugee Children.** Organize programmes and activities to assist children in the process of reorientation and psychological preparation. Children should be provided with accurate information. They should be given the opportunity to express their questions, fears and insecurities, and they should be

listened to. Video films and pictures of their home areas are helpful. Mini surveys to determine the extent to which realities are understood can be considered. Bear in mind that many refugee children are born in exile. They may be "repatriating" to a country and area they have never seen and only know of from hear-say.

Ensure that there is a focal point for children's needs, for example an NGO with broad child experience. Setting up a counselling programme for children and adolescents that is pro-active in attempting to identify, understand and address children's needs is recommended. Such counselling has proved helpful not only in improving decision making but also in identifying children or families potentially in need of assistance upon repatriation.

**Sharing of information with partners in the refugee programme.** In order to avoid that conflicting information on the voluntary repatriation operation is circulating among different parties and possibly passed on to refugees, it may be beneficial for UNHCR to first brief government counterparts and NGOs before disseminating information to refugees. All written information like leaflets can likewise be shared with government and NGOs first.

**UNHCR officers in the country of asylum need first hand information.** UNHCR officers in the country of asylum need to be adequately informed about the situation in the country of origin and in particular the conditions in the areas of return relevant for refugees they are dealing with. Cross-border visits by UNHCR officers and their staff to the country of origin prior to the commencement and during the repatriation operation will therefore greatly enhance the effective execution of the information campaign and allow them to promote voluntary repatriation with the realities in the country of origin in mind.

**Information campaigns targeted at spontaneously settled refugees.** If UNHCR has undertaken also to offer repatriation assistance to spontaneously settled refugees and even more so in situations in which UNHCR may not have had contact with this refugee group before the start of a repatriation programme, information campaigns for spontaneously settled refugees have to start as early as possible. The refugees will first need to acquaint themselves with UNHCR as an organization, gain confidence in UNHCR and its implementing partners and understand in detail the assistance offered to them, before they can take an informed decision. It will usually be much more difficult to ensure that correct and comprehensive information reaches spontaneously settled refugees than this would be in a camp situation with established channels of communication between UNHCR and the refugees. Thus information campaigns for spontaneously settled refugees need to start earlier than in a camp situation and more effort needs to be spent to ensure effective dissemination. The importance of the use of mass media in this context cannot be overemphasized. The local communities in which refugees have settled should be a target group of the information campaign as well in order to avoid to the extent possible conveying of distorted information to their refugee neighbours. The cooperation of the local administration, local leaders etc. in this context is a key element to ensure adequate UNHCR access to the refugees.

**Sensitization of local communities in the home country.** One aspect of the information campaign to be conducted in the home country is the sensitization of the local communities to which refugees will return. The objective is to minimize social or political disruption in connection with the repatriation. An important part of it is likely to be the assurance that rehabilitation and reintegration programmes will include and benefit the entire community.

#### **4.3 *Interviewing, Counselling and Registration***

Registration for voluntary repatriation is a core UNHCR responsibility and a key component of protection as it constitutes the means by which refugees voluntarily indicate their interest in returning to their home country under the UNHCR voluntary

repatriation programme.

The interviewing, counselling and registration process is one of the most practical methods of determining the voluntary character of a repatriation. It is normally accomplished by completing a **Voluntary Repatriation Form (VRF)** (see *Sample VRF, Annex 4*), which inter alia records the refugee's declaration of the voluntary nature of the decision to return, the choice of destination, family status, and profession or skills. The VRF data also helps to identify vulnerable groups, the planning of travel, and the need for any supplementary documentation (*on registration also see: Registration - A Practical Guide for Field Staff, UNHCR Geneva, May 1994*).

The VRF should be distinguished from the Voluntary Repatriation Application Form (VRAF), which is used in exceptional cases where a (security) clearance prior to the repatriation movement is required by the authorities of the country of origin. Such prior clearance of repatriants should be avoided, since it may negatively affect the confidence of refugees that they are welcome in their country and will complicate and delay operations considerably.

Any refugee needing UNHCR assistance in tracing family members or in being reunited with them should fill in a **Tracing Form** at the time of registration (see *chapter 7.3 "Tracing"*), if not done previously.

Registration for voluntary repatriation should not be directly linked to any other registration or verification (such as care and maintenance assistance). Linking the two may create confusion for the refugees by giving the impression that one needs to register for voluntary repatriation in order to be entitled to assistance in the country of asylum. This may seriously jeopardize voluntariness.

Unless this is already done at regular intervals, it may, however, be advisable to undertake a verification of the refugee population (establishing the number of refugees present) prior to the start of registration for voluntary repatriation of larger refugee groups. This will assist in operations planning as well as facilitate proper de-registration of departed repatriants from the assistance programmes in the country of asylum.

For the registration to benefit the operation on both sides of the border, the format of the VRF should be agreed upon between UNHCR and authorities of the host country and the country of origin. Clear guidelines for the completion of the VRF should also be worked out to suit the requirements on both sides of the border.

The following are important protection elements to be considered during the interviewing, counselling and registration process:

**Free access by all refugees.** Every refugee, whether living in an organized settlement or not, should have unhindered access to the registration process. Persons not previously registered as refugees but who now make this claim should also be given access and repatriation assistance, subject to a determination that they are indeed refugees. Precautionary measures, however, need to be taken to avoid a "revolving door phenomenon" whereby refugees once repatriated return to the country of asylum and try to be repatriated a second time to receive multiple assistance (see also *chapter 3.7 on "New Arrivals"*).

**Privacy and confidentiality.** Registration should be conducted under conditions of confidentiality, without any form of scrutiny or pressure by any parties. In order for refugees to be able to clarify any issues of concern prior to signing the VRF, counselling services need to be available where registration takes place.

Consideration should be given to determining registration and counselling times in a way that gives women the opportunity to address their concerns without the presence of men (e.g. at times when men are usually occupied with other activities). In any case, one female member of the registration team should be in attendance at all times to interview, counsel and register women as required.

**Involvement of government authorities.** The involvement of government authorities in registration for repatriation should be limited to exceptional individual cases where assistance in the verification of

citizenship is required.

**Role of VRF.** The purpose of the Voluntary Repatriation Form should be explained to the refugees. If agreed by all parties, the VRF can serve as a "de-registration" form in the host country and a travel and identity document in the country of asylum and the country of origin. In the country of origin, it can also serve as a form of identification of returnees for assistance and protection purposes.

**Registration and cessation.** It should be explained to refugees and authorities alike that registering for repatriation does not automatically constitute "re-availment of national protection" under Article 1 C (1) of the 1951 Convention. Refugees do not automatically cease to be refugees through an act of registration, but only once they have crossed the border into their home country.

**Freedom to withdraw registration.** Refugees should be informed of their right to change their minds and withdraw their registration for voluntary repatriation at any time during the process. They should also be informed about the freedom to change their choice of destination, within practical reason.

**Training of registration staff.** Registration for repatriation should not be viewed as a merely clerical task. It involves inter alia interviewing of the potential repatriants to obtain the relevant information, counselling them on issues of concern, answering questions on repatriation related issues, assessing vulnerability. Therefore staff tasked to conduct registration need to receive comprehensive training before they start performing their functions. This training should include the following:

- basic protection principles governing voluntary repatriation
- guidance as to how to ascertain the voluntary nature of the decision to repatriate
- interviewing and counselling skills
- guidelines how to complete the VRF
- detailed information on the country of origin with the view to give staff the necessary knowledge to identify correctly the intended destinations of repatriants as well as to provide background information for counselling
- attention to refugee women and children specific issues and concerns
- guidelines as to how to assess vulnerability since a column to this effect should be contained in the VRF
- assistance provided to repatriants on both sides of the border.

**Completing the VRF – The registration process.** To work towards maintaining family unity during the repatriation process as well as in view of the requirement of voluntariness, no refugee should be registered for repatriation in his or her absence. If a family wants to be registered, all the members have to be present. If a member of the family is unable to come to the registration point for any valid reason (vulnerability, illness etc.) registration staff should undertake home visits. Remember, the absent person may not wish to repatriate or may wish to return to a different destination.

To give all adult repatriants the same means to establish their eligibility for repatriation related protection and assistance, each adult family member (18+ years) should receive his or her own VRF and sign/thumbprint the declaration of voluntariness. This includes spouses. All VRFs issued for one family can then be "linked" through a common "family number" or "group number" to ensure that the family is treated as such during all stages of the operation. Minor children should be entered on the VRF of the father or the mother, depending on the agreed practice in the country of origin pertaining to the issuance of passports or other identity documents. If the practice in the country of origin does not provide any guidance on this issue, it should be left to the family to decide whether the children should be entered on the father's or the mother's VRF. In the case of a dispute, the UNHCR officer in charge of the registration should have the prerogative to decide. In cases of polygamous marriages, the children of the second, third etc. wives should be entered on the VRF of the mother, while the guideline above should

be applied to the husband and his first wife.

**Interpreters.** If the UNHCR officer in charge of the registration and/or the registration staff do not speak the first language of the refugees or a language that refugees are sure to understand well enough for the interviewing and registration process to be meaningful, qualified interpreters need to be included in the team. Social/cultural norms may make it necessary to have a male and a female interpreter on a given team.

**Interviewing a family – Should both spouses always be interviewed?** In order to avoid an artificial separation of family members during the interviewing and registration process, which may possibly cause alienation, families should be interviewed as such without separating adult members, unless indications give rise to concern. In any case, each adult family member will confirm his or her decision to repatriate by signing his or her VRF. Registration staff should, however, be trained to watch out for signs which may call for a more detailed or separate interview. If the registration staff have reason to suspect that the wife may not fully agree with the husband's decision to repatriate or his choice of destination, individual counselling becomes necessary.

In some cases **a separate interview of the wife may be warranted.** Such cases could include:

- a wife who was more politically active
- a wife not of the same ethnic or religious community as her husband
- a wife whose personal experience (such as sexual violence) might prevent her from returning safely and with dignity.

**The choice of intended destination.** As outlined earlier, refugees should be allowed to have the freedom to choose their intended destination. UNHCR should not interfere with this decision during the interviewing and registration process. However, counselling may be required in some cases. Refugees who were internally displaced before crossing an international border may wish to return to an area where they lived during a period of internal displacement. Many refugees may have married spouses from other areas of origin than their own during internal displacement or in exile. In the context of repatriation they have to decide where they want to return.

If the family indicates that they wish to return to the husband's place of birth but the wife is from a different part of the country of origin (which will become obvious when completing the "Place of Birth" column of the VRF), it should carefully be established that she has consented to join her husband to his area of origin and vice versa.

Family disputes may arise over the question which destination to choose and UNHCR may have to facilitate the reaching of a family decision through counselling. Bear in mind that refugee women may be rendered vulnerable if forced against their will to repatriate to an area unknown to them where they may not expect the same support they would enjoy in their home area.

**Cooperation with NGOs.** NGOs may be an invaluable source of information and assistance on individual refugees/families during the registration process. If during interviewing, counselling and registration specific problems of an individual/family have been identified, the registration staff should, if applicable, consult NGOs, who may be familiar with the family through their projects to obtain background information and assist in the proper counselling of the person(s) concerned.

**Sharing of information.** In some operations, UNHCR has provided countries of origin with lists of refugees who have registered to repatriate. However, making this a requirement should be avoided. The provision of summary statistics and possibly manifests of persons who have actually repatriated or are being repatriated should suffice. In any case refugees have to be informed what kind of information is provided to the country of origin. They must also be informed that UNHCR will not under any circumstances supply authorities in the countries of origin a general list which includes the names of those choosing not to register.

While information on repatriants relevant for operational purposes needs to be shared with both the host

government and the government of the country of origin, requests by governments to receive a copy of each completed VRF should be carefully reviewed. While the repatriant receives the original VRF, UNHCR in the country of asylum should always keep one copy since it contains the declaration of voluntariness. For other concerned parties the provision of summary lists (e.g. computer print-outs) may be more practical and avoid unnecessary paperwork and bureaucratic efforts.

In repatriation negotiations aim at keeping the number of copies/duplicates required of each VRF to a minimum.

**Repatriation registration of spontaneously settled refugees.** Where UNHCR offers repatriation assistance to spontaneously settled refugees, registration procedures may have to be adjusted to the different circumstances. If voluntary repatriation is the only assistance UNHCR is planning to offer to spontaneously settled refugees in a given country, the original VRF should not be handed to the registered refugee at the point of registration. A simple token may suffice until such time as the refugee has brought his or her luggage for loading and is ready for departure. UNHCR will avoid being faced with registered but not departed refugees, who hold UNHCR VRFs and may claim entitlements, while the repatriation programme is closed and no other assistance is available to the group.

**No undue pressure.** There must be no threat to phase down basic refugee assistance programmes in connection with registration.

**Deregistration.** Upon departure to their country of origin, repatriants have to be de-registered from any camp or assistance related records to ensure a proper scaling down and adjustment of assistance programmes in the country of asylum. UNHCR should as a minimum closely monitor the de-registration process.

Attention needs to be paid to cases where only part of the family registered on one ration card is returning at a certain point in time. A new card reflecting the reduced family size should be issued to the remaining family. Refugees need to be informed about this procedure to avoid that refugee women are forced to repatriate by their husbands or other relatives (in whose name the card is issued) by the threat of being left without assistance after the departure of the "head" of the family.

In certain circumstances an **encashment** exercise in which refugees express their intention to repatriate by surrendering registration or ration cards in exchange for repatriation grants has been used.

#### **4.4 Computerization**

Computerization of information on repatriants, usually in the form of computerization of information entered on the VRF, can be a most helpful tool for planning and managing voluntary repatriation operations on both sides of the border. It can serve the following purposes:

- Provision of up-to-date information on repatriants, their special skills and special needs to (UNHCR in) the country of origin.
- Management of all aspects related to repatriation movements including preparation of lists of repatriants for health checks, mine awareness campaigns, movement manifests and de-registration from the care and maintenance programme/camp records.
- Attention to and counselling of individual repatriants, since data can be easily retrieved.
- Identification of and attention to special needs of vulnerable individuals on both sides of the border.
- Preparation of summary statistics of repatriants by age, gender, departure points and destinations for assistance, protection and reporting purposes.

- Avoiding of labour-intensive paperwork (e.g. copies of VRF for several parties or manual production of a variety of different lists) through easy computerized production of customized listings, reports etc.
- Establishment of a returnee database in the country of origin to be used in the context of returnee monitoring.

For up to date computerized data to be available at all times where they are most needed, i.e. in the field, it has proven helpful to establish a decentralized data processing system. Data should be entered and kept up to date in the various field locations of the operations and be consolidated on a regular (weekly) basis in a central location (most likely the Branch Office).

Software for computerization of repatriation related data should be carefully designed to suit the needs on both sides of the border. If repatriation takes place by means of UNHCR-organized transport, the computer programme has to place emphasis on movement (convoy) management.

Suitable systems need to be set up to ensure that the confidentiality issues and concerns related to computerized data are addressed.

## **Chapter 5 - Repatriation in Complex Political Circumstances**

### **5.1 Repatriation During Conflict**

In many parts of the world, continuing conflict frustrates efforts to promote conditions for voluntary repatriation. Nonetheless, a substantial number of individual refugees and refugee groups take matters into their own hands and decide to return, often to pockets of relative safety. Spontaneous returns of this kind can help stimulate the process of national reconciliation. On the other hand, if the repatriants are badly received, if the wrong motives are attributed to their movement, or if the movement or settlement of the returnees is done to further a certain political agenda, tensions can be exacerbated.

The phenomenon of repatriation during conflict underlines refugees as independent decision-makers. Refugees may use different criteria than UNHCR when deciding on their return. What is UNHCR's role under such circumstances?

It is important that UNHCR finds out why a particular refugee/group is choosing to return to a situation which appears insecure and unstable. This may bring to light military or political motives behind a proposed return. Conditions of asylum may be so severe as to border on coercion, or refugees may be faced with unjustifiable restrictions on access to other durable solutions. In such situations UNHCR should intervene to ameliorate such conditions and eliminate coercive factors.

As in other circumstances which do not permit UNHCR to advocate or promote repatriation, UNHCR can facilitate truly voluntary repatriation during conflict under the following conditions:

- The refugees have made an informed decision, and the return is voluntary.
- The country of origin does not oppose the return of the refugee(s).
- UNHCR is fully satisfied as to the peaceful, non-militarized and non-political nature of the intended return.
- UNHCR's strictly humanitarian and non-political mandate is respected by all parties.

If refugees still elect to return, UNHCR should not attempt to influence their decision. UNHCR should, however, make it clear that the Office may be unable to monitor their safety upon return. For the parameters of UNHCR's involvement in such situations, please refer to chapter 3.1 on "Facilitation".

In the country of origin, UNHCR should obtain humanitarian access to the returnees in order to monitor their conditions, even when the return was spontaneous, unassisted or advised against by UNHCR. The



fact that return takes place outside a framework agreed between UNHCR and the country of origin does not alter UNHCR's role in returnee monitoring (see chapters 6.1 and 6.2 ). The protection of a returnee is **always** a legitimate concern of UNHCR.

The authorities of the country of origin remain responsible for the human rights of their nationals, regardless of the absence of any agreement, guarantees or amnesty.

**Safe areas:** Refugees may wish to return to pockets of relative peace in an otherwise on-going conflict. These areas may not necessarily be controlled by the government. While UNHCR will not promote return to "safe areas", since there has not been a resolution of the conflict as a whole, UNHCR should, if possible, take all necessary action to protect and assist returnees thus contributing to a protective environment in these areas.

**Under no circumstances** should the fact of spontaneous repatriation during conflict be invoked as a ground for denying continued asylum to those refugees who remain behind, or for refusing the admission of new refugees from that country.

The (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and, in the case of non-international armed conflict, Art. 3 common to the Geneva Conventions and their Protocol II may be invoked to protect refugees, returnees, internally displaced persons and other civilians. This task may be undertaken by ICRC under its mandate to monitor the observance of the Geneva Conventions and their Protocols.

## **5.2 Repatriation as Part of a Political Settlement**

Most UNHCR-organized repatriations, in particular those following wars or decolonization, take place after political settlements. There may be a delicate balance between parties seeking to control the pace of return movements for political reasons, and governments of asylum favouring rapid return as a solution to the refugee problem. In other instances, return and reintegration, and the assistance associated with it, are themselves foreseen as elements in national reconciliation. In still others, refugees are expected to repatriate according to a certain schedule in order to vote in national elections.

Peace settlements normally bring with them improved security, and the international community often seeks to ensure the upholding of guarantees and amnesties provided by the country of origin and, in particular, by monitoring compliance. Returns which occur in part through international engineering may also require longer and more extensive external involvement to be sustainable.

UNHCR's promotion of integrated or comprehensive approaches gives UNHCR the responsibility to play a role in and support UN-sponsored political settlements. It is important that peace plans reflect concerns and address issues related to solutions to refugee problems. This should not compromise the principle of voluntariness because of the link between safety and voluntariness: the greater the safety, the greater the willingness to return.

## **Chapter 6 - UNHCR's Role in the Country of Origin**

*The essential underpinning of returnee protection  
is respect for the rule of law  
and human rights.*

### **6.1 UNHCR's Mandate for Returnee Monitoring**

In any voluntary repatriation where UNHCR plays a part, the principle of return in safety and with dignity does not cease to apply once the return movement is completed,

but applies and should be monitored until such time as the situation in the country of origin can be considered stable, national protection is again available, and the refugee is reintegrated.

Voluntary repatriation is not a durable solution in the absence of the returnees' reintegration into the local community. Reintegration is a gradual process often paralleled, over years, by national reconciliation and improvements in the economic, social and human rights fields.

The durability of voluntary repatriation depends, to a large extent, on the protection given to returnees during their reintegration into the political and socio-economic fabric of their home country - in short, while they find their place within their community. The state of origin bears responsibility for the protection of returnees, its nationals. However, UNHCR has competence for these persons by virtue of its responsibility for refugees and the Office's statutory responsibility and general mandate to seek voluntary repatriation as a durable solution for refugees.

**Conclusion 40 (XXXVI)** of the Executive Committee on voluntary repatriation provides further guidance as follows:

"(1) The High Commissioner should be recognized as having a legitimate concern for the consequences of return, particularly where such return has been brought about as a result of an amnesty or other form of guarantee. The High Commissioner must be regarded as entitled to insist on (her) legitimate concern over the outcome of any return that (she) has assisted. Within the framework of close consultations with the State concerned, (she) should be given direct and unhindered access to returnees so that (she) is in a position to monitor fulfillment of the amnesties, guarantees or assurances on the basis of which the refugees have returned. This should be considered as inherent in (her) mandate;"

In line with above, monitoring must cover both:

- the immediate consequences of repatriation, such as the fulfillment of amnesties or guarantees provided by the government, and
- the general enjoyment by returnees of human rights and fundamental freedoms on an equal footing with their fellow citizens.

UNHCR's **objective** in monitoring returnee protection is to accomplish a successful and lasting repatriation with the re-establishment of an effective and durable state-citizen relationship and the early and full restoration of national protection.

The basic **international law standard** guiding returnee protection is the principle of **non-discrimination**. Returnee monitoring does not seek to privilege the returning refugees or to elevate their standard above that of the resident population. Rather, it seeks to ensure that returnees are not targeted for harassment, intimidation, punishment, violence, or denial of fair access to public institutions or services, or discriminated against in the enjoyment of any basic rights.

**All refugees who repatriate can benefit** from UNHCR's role in returnee monitoring. This includes not only returnees who have repatriated in the framework of bilateral, tripartite or other repatriation

agreements which include a formal monitoring role for UNHCR, but also returnees whose repatriation is facilitated in the absence of such agreement, as well as those who return on their own without UNHCR's direct involvement. In addition, **internally displaced persons** living in returnee areas may also benefit, though UNHCR's standing may be different (see chapter 6.3 "*Internally Displaced Persons*").

The **duration** of UNHCR's involvement in returnee monitoring is not fixed or pre-ordained. It is preferable to avoid arbitrary deadlines. The preferred approach is to review the need for continued UNHCR involvement in each situation, using indicators such as the extent to which returnees have (re)acquired the rights and fundamental freedoms enjoyed by their co-nationals (including access to official documentation, to means of livelihood, to normally available health and educational facilities) and the rate of reintegration.

## **6.2 Returnee Monitoring: Amnesties and Guarantees, Monitoring, Reporting, Intervening**

"Protection needs do not disappear when people repatriate. On the contrary, they tend to resurface in more complex forms in the country of origin ..." (*Opening Statement by the High Commissioner at the 46th Session of the Executive Committee of the High Commissioner's Programme, 16 October 1995*)

**Amnesties and Guarantees:** In any organized voluntary repatriation, appropriate legal safeguards are essential. UNHCR recommends that, in addition to conditions set out in a repatriation agreement, governments independently promulgate amnesties or legal guarantees for returnees. To enhance their confidence-building value, such amnesties and guarantees may, as appropriate, be declared jointly by the government and the other party/parties to a conflict, if voluntary repatriation follows the resolution of an internal conflict. UNHCR considers that such texts or declarations should include the right to return and freedom of residence, the provision of an amnesty or other official guarantees. As a minimum, they should stipulate that returnees not be subjected to any punitive or discriminatory action on account of their having fled their country. In addition, issues such as property rights and military service obligations for returnees, international monitoring and the respect for human rights may be covered (for a Sample Declaration see *Annex 6*).

Acceptance of such provisions is also in the interest of any refugees and displaced persons returning spontaneously, and provides an essential element for organized returns.

Even when there is a completely new administration in the country of origin, such guarantees help create a climate of confidence.

Thorough knowledge of the legal system of the country of origin is vital for all aspects of returnee monitoring.

Make sure you have all relevant legislation at your disposal. If you do not understand the local language, have it translated by qualified interpreters and send a copy of the original as well as the translation to the Centre for Documentation on Refugees (CDR) at UNHCR Headquarters.

**Monitoring:** As spelled out in *chapter 3.6 on Repatriation Negotiations*, UNHCR must have direct and unhindered access to returnees wherever they are located in the country of origin to monitor their safety and conditions. This monitoring role should include access to prisons or detention centres: liaison with ICRC, which in many circumstances has primary responsibility for detainees, is important in this regard.

Regular information-sharing and networking between UNHCR and non-governmental organizations operating in the country of origin are essential to work towards and verify acceptable standards of returnee protection.

**Reporting and Intervening:** Where there are indications or there is evidence that the freedom or security of returnees is at risk due to a lack of adequate state protection, UNHCR should do whatever it can to remedy the situation and relieve the plight of the returnees. UNHCR must intervene where human rights abuses or severe discrimination come to light. The form UNHCR's intervention takes will vary, but may include seeking remedial action and/or making a formal protest at the local/state level, making formal representations to regional or international bodies. Where problems and abuses are not isolated and there appears to be a risk of future occurrences, UNHCR should not promote further repatriation, until the problems is rectified.

If UNHCR's intervention fails to solve the problem and fails to prevent the risk of further harm, and such risk is serious and imminent, measures may have to be taken by suitable actors to ensure that the affected returnees can leave the country to seek safety as refugees once again.

Assistance is part of protection. Do not neglect issues related to assistance or social and economic reintegration brought to your attention in the context of returnee monitoring. These issues are just as important to making return durable and a solution.

**Access to Land.** One key resource for returning refugees is land for residential as well as, where they are of farming background, agricultural use. To have access implies the right to use or having acquired the right to legal ownership of a plot of land. UNHCR needs to be informed about the conditions of land occupancy rights and land title systems in the country of origin and the areas to which refugees return in order to be in a position to provide accurate information to refugees.

The question of land-use and land-rights is a contentious and difficult one in the aftermath of conflict: Land laws may not exist or land may by constitutional right belong to the state as the single legal property holder; new land laws may have been drafted but not yet implemented; privatization may be part of the post-conflict economic reform, making land an economic asset free for sale. Land previously occupied by returning refugees may have been sold or "repopulated". UNHCR must attempt to protect the interest and legitimate rights of returnees with regard to access to land (which may not necessarily mean ownership) through contacts with central and local authorities as well as with traditional leaders who in many countries have a recognized land allocation function at the community level.

Special attention needs to be paid to the question of access to land for residential and agricultural use by returnee women heads of households. If the local legislation or traditional practice does not grant returnee women the same rights to land as returnee men, UNHCR has to draw the attention of the authorities to this problem and seek to find suitable ways to rectify the situation. If this is not done early enough, there is a danger that returnee women may lose out in the competition for land, either by not getting access or being evicted. This may in turn lead to increased vulnerability and possible internal displacement. In any case, UNHCR has to closely monitor the handling of returnees' access to land and to ensure, if necessary through intervention, that returnee women have access to land on the same footing as returnee men.

**Demobilized Soldiers.** A key component of peace settlements are conditions for the demobilization of combatants. The willingness of refugees to return home is often contingent upon the credibility that the demobilization enjoys. The demobilization of combatants, therefore, is closely linked to the repatriation

and reintegration sponsored by UNHCR. In returnee monitoring, UNHCR must be attentive to the possible negative consequences for community reconciliation and social stability that may follow the termination of benefits provided to demobilized soldiers. One risk factor is a rise in crime rate and therefore worse security conditions in returnee areas.

### ***Suggestions for action:***

In order to fulfill its monitoring mandate for returnees and other persons of concern to UNHCR, the following courses of action can be considered [in the following the term returnee(s) is meant to also cover other persons of concern to the Office, as applicable]:

### ***Establishing the basics:***

- Ensure that the return is accepted by the country of origin, or by other entities when the area of return is controlled by other forces/authorities.
- Encourage the government of the country of origin or the non-government entity in control of the area of return to promulgate amnesties or (legal) guarantees for returnees.
- Ensure free access of UNHCR to all returnees and free access of returnees to UNHCR during all stages of the repatriation and reintegration process (that includes any immigration, customs, security or health checks that may be carried out). UNHCR should have the right to visit and speak to returnees in confidence and without the presence of representatives of the authorities.
- Establish or strengthen the UNHCR field/protection presence in the areas of return well before the operation starts.
- Include in any repatriation agreement a paragraph placing the onus on the authorities of the country of origin to inform UNHCR about every case of arrest, detention or legal proceedings involving returnees and to provide UNHCR with all relevant legal documentation on these cases; ensure free UNHCR access to returnees in detention centres, prisons etc.
- Pay attention to confidence-building, interaction and regular meetings with local authorities and community leaders in returnee areas. These are as important as the visits to returnees themselves. Without a good rapport with the relevant authorities, interventions on behalf of returnees may be difficult and not lead to the desired results.
- Work with the local authorities and through them with the resident population in returnee areas to prepare for the return not only in terms of physical reception but also in terms of confidence-building, reconciliation and the psychological preparedness of the resident population to live (again) together with those, who went into exile. Learn what the attitude of the local authorities and local population is towards the anticipated return. What are their expectations, fears? Find out what UNHCR and other agencies can do to be pro-active in being aware of and addressing possible sensitive issues associated with the return by the local population.

### ***Information and documentation:***

- Either on departure from the country of asylum or upon arrival in the home country, provide all returnees with detailed information on how to contact UNHCR in the country of origin in case they face protection problems. Leaflets in the relevant languages that refugees/returnees can take with

them should supplement oral or visual provision of this information.

- ❑ Systematically collect information on the country of origin (legal and other information relevant for returnees) for use in the information campaign in the host country, in returnee monitoring and as reference material for the protection and individual status determination in the country of asylum of new-arrivals and the residual caseload (*see chapters 3.7 and 3.8*).
- ❑ Scan and translate information in the local media relating to issues relevant for or pertaining to returnees in a systematic manner. The information thus obtained will be an important tool for UNHCR staff involved in returnee monitoring.
- ❑ Develop and use a standard returnee monitoring reporting form for the operation to record findings and recommendations on general observations as well as all individual cases. This should tie in with a regular summary reporting system on returnee monitoring.
- ❑ Establish a returnee database, if possible based on registration data computerized in the country of asylum. A standard software package to this end should be developed and provided by UNHCR Headquarters (*see also chapter 4.4*).
- ❑ If possible and appropriate, use the local media on both sides of the border to inform refugees/returnees about UNHCR's presence and role in the country of origin.

#### ***Movement and reintegration:***

- ❑ If no repatriation registration has been undertaken in the country of asylum or results have not been shared with the country of origin, set up and implement a system of registering the returnee population to facilitate UNHCR access to all returnees in the different areas of return; if applicable and advisable, issue or facilitate issuance of identity documents to returnees (e.g. returnee card).
- ❑ Returnee monitoring is based on confidence and rapport between UNHCR staff and the returnees. Therefore allow for a process of confidence-building between UNHCR staff and returnees. Be sensitive to culture, language, and traditions. Cross-border visits by or relocation of UNHCR staff previously working in the refugee camps or settlements to the home country may be useful and enhance the trust returnees have in UNHCR and UNHCR's appreciation of their situation and their problems.
- ❑ Monitor extensively the fulfillment of amnesties and guarantees (if any) as well as consequences of return.
- ❑ Report and intervene, where there are indications that the freedom and the security of returnees is at risk due to lack of adequate state protection.
- ❑ Make monitoring of vulnerable individuals a special focus of returnee monitoring. Consider budgeting for direct assistance by UNHCR to especially vulnerable individuals to allow for immediate intervention to address extremely urgent special needs, if there is no alternative capacity to respond flexibly to such needs (e.g. support for shelter construction, urgently needed drugs).
- ❑ Ensure provision of reintegration assistance aimed at enhancing the ability of returnees to re-establish themselves in their country in a way that will allow them to sustain themselves (*see also chapter 6.4*).

#### ***Returnee women:***

- ❑ Ensure that protection activities focused on returnees give high priority to assessing the safety of

returnee women and addressing of any concerns thus identified.

- Deploy female staff responsible for returnee monitoring, who speak the first language of the returnee women. If this is not possible, deploy female staff together with female interpreters.
- If UNHCR or NGO staff in the host country were able to establish a relationship of confidence and dialogue with refugee women, consider involving these staff members in returnee monitoring in the areas that these refugee women are returning to. This may provide continuity and enhance confidence-building between staff involved in returnee monitoring and returnee women.
- Ensure that staff involved in returnee monitoring have thorough knowledge of the *UNHCR Guidelines on the Protection of Refugee Women* and the *UNHCR Guidelines on Preventing and Responding to Sexual Violence against Refugees*.
- Ensure monitoring activities include as an integral part investigating the specific needs and concerns of various categories of returnee women like female heads of household, unaccompanied women and women living with their families. Include relevant questions/columns in the returnee monitoring reporting form.
- Ensure the physical safety of returnee women in areas such as transit and reception centres and their facilities, by adopting relevant measures suggested in the *UNHCR Guidelines on Preventing and Responding to Sexual Violence against Refugees*.
- Ensure equal access to land for residential and agricultural purposes for returnee women.
- Ensure equal access to reintegration assistance as well as services, resources and opportunities for returnee women. Do not assume that because assistance, protection and services are planned for the whole population equally, it will reach returnee women and men, young and old, rich and poor equally.
- Give due attention to the fact that for a multitude of reasons, women who repatriate in a family setting may become vulnerable some time after their return. Returnee women may be left by their husbands and thus become female heads of household; female heads of household or unaccompanied women may have repatriated with a family or other support group and may lose this support. There are many other scenarios.
- Liaise with authorities and NGOs involved in reintegration projects to ensure that specific needs of refugee women, in particular with a view to income generation, are being addressed and that programmes are planned and implemented in a way that is flexible enough to accommodate the needs of returnee women, who may become vulnerable at some stage after return.
- Arrange for home visits to returnee women by female protection staff. If the head of household is male, avoid talking only to him.
- Arrange for a culturally and otherwise acceptable forum for returnee women to have a dialogue with UNHCR on the consequences of their return and their reintegration (establishing and/or supporting women's groups etc.).
- Consider that women victims of violence, including sexual or other physical abuse during flight or in exile, may have good reasons for not wishing to return to their families or areas of origin for fear of stigmatization. Where freedom of movement and/or change of residence are severely curtailed, UNHCR ought to assist such returnee women to obtain a new place of residence. Additional assistance may be required in these cases, since the women are going to settle in an area where they cannot expect support. If such returnee women do return to their original homes, they may not wish others to know what happened to them. Monitoring of such vulnerable individuals is extremely important.

However, it has to be undertaken by a (local) female staff member in a most discreet and sensitive way. Avoid exposing the returnee women's traumatic experiences by focusing too much noticeable attention (*please also consult: Sexual Violence against Refugees. Guidelines on Prevention and Response. UNHCR Geneva, 1995*).

### ***Rule of law:***

- Act as a catalyst to facilitate re-establishment (evolution) of the rule of law in the country of origin by supporting governments in capacity building. This can take the form of providing technical assistance and advice to the judicial system and law enforcement organs - and strengthening local institutions such as judiciary, prosecutors' and defenders' offices with a view to creating efficient court/legal systems and alternative forms of dispute/conflict resolution.
- Act as a catalyst or assist, as appropriate, in the institution/implementation of mechanisms for peaceful resolution of civil disputes for example concerning property rights and access to land.
- Advise returnees on their legal rights and appropriate channels to enforce them.
- Intervene on behalf of returnees where the defined legal procedure is not followed or human rights are violated.
- Encourage reference to the legal regime and promote its implementation in line with international human rights standards.
- Assist in the reform/revision of the country's laws to conform to international law and human rights standards.
- Strengthen grass-root advocacy and/or counselling networks.

### ***Human Rights:***

- As applicable, promote the accession of or succession by the country of origin to international human rights instruments (including the 1951 Convention and 1967 Protocol, and the 1954 and 1961 Conventions on Statelessness).
- Obtain a firm commitment by all relevant parties to abide by human rights and humanitarian principles.
- Encourage broad international involvement in human rights monitoring.
- Facilitate or implement training of staff of other UN-agencies and NGOs on human rights monitoring and reporting.
- Establish a network with other UN-agencies and NGOs on human rights monitoring. Closely link UNHCR's returnee monitoring role with other human rights verification mechanisms.
- Conduct either directly or through implementing partners human rights/basic rights awareness education for refugee/returnee men and women (*consult: A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff. Draft. Geneva 1996*).
- As applicable and within the limits of UNHCR's humanitarian mandate, cooperate with the International Criminal Tribunals. This may be important in order to prevent the recurrence of violence as well as to bring about reconciliation. Guidance and instructions on UNHCR's cooperation with International Criminal Tribunals will be issued by Headquarters for specific operations.



- ❑ Safeguard the rights of the refugees/returnees to participate in elections following peace agreements and monitor equal access of returnees to voter registration and voting procedures (*see also chapter 8.5*).

***Witness Protection:***

- ❑ Special protection and assistance arrangements may have to be considered for returnees who have witnessed serious crimes in exile or serious crimes or human rights violations before or during flight. If the offenders were prosecuted in the country of asylum, the witness may fear retribution from the accused or his or her family upon return. The same may be the case when human rights violations or crimes are being prosecuted in the country of origin. Such witnesses may rightfully wish not to return to a place where they are known. In countries of origin where freedom of movement/change of residence is severely curtailed, UNHCR should assist witnesses to obtain a new place of residence. UNHCR should thus see that transport and reintegration arrangements reflect the protection needs of such witnesses and that additional assistance, which may be required since the refugee is returning to an area where he or she cannot expect support, is being rendered as well. In addition, returnee monitoring visits can contribute to a certain, though limited, degree of safety for such persons.

***Confidence-Building:***

- ❑ Promote and support confidence-building measures aimed at reconciliation. Encourage NGO involvement to this end.

***Others:***

- ❑ Where UNHCR is convinced that this will not lead to possible repercussions for the individual, consider setting up a system/network of UNHCR returnee volunteers for practical assistance measures for returnees as well as to report violations of returnees' rights to UNHCR, while leaving it to UNHCR to take the necessary action.
- ❑ As appropriate and necessary, agree with the relevant authorities that staff involved in the repatriation operation visibly wear identity badges stating name and function. This will allow returnees to identify officials they are dealing with and will thus facilitate the follow-up of problem cases. If such a system is used, UNHCR should do the same, if required.

UNHCR's returnee monitoring role alone will never provide a mechanism for ensuring the safety of returnees and respect for international human rights standards in the country of return. It can be a helpful influence to enhance respect for amnesties, guarantees, the rule of law and human rights but should never be seen as a substitute for

state responsibility.

### **6.3 Internally Displaced Persons**

UNHCR has frequently been called upon to address the needs of persons who have been forced to flee their homes for the same reasons as refugees, but who remain within their own countries, and are therefore not refugees as defined in UNHCR's Statute or the relevant international or regional legal instruments. UNHCR's involvement with the internally displaced has most often been in the context of voluntary repatriation of refugees, where return movements and rehabilitation and reintegration programmes have included both returning refugees and displaced persons in circumstances where it was neither reasonable nor feasible to treat the two categories differently. In some cases, UNHCR activities in the country of asylum on behalf of refugees from neighbouring countries have included people displaced within their own country who are victims of the same regional conflict.

A review of UNHCR's activities with internally displaced persons shows that in most cases it is neither possible nor desirable, when providing assistance or protection to persons in their own country, to make distinctions between the displaced and other affected persons in the same area, except on the basis of actual need. Returnees, refugees and internally displaced populations are frequently present together in the same region, and a growing number of UNHCR operations encompass all three categories, together with local residents who have not left their homes.

Since they remain within their own country, the internally displaced cannot benefit from the protection accorded to refugees in international law. They are in principle entitled to the protection of their own national law. They also benefit from the provisions of international human rights law and, when they are in situations of armed conflict, of international humanitarian law. Many of these principles are recognized as binding on all states and de facto authorities as mandatory norms or elements of customary international law. When UNHCR is called upon to extend humanitarian assistance and protection to the internally displaced, it can and does invoke these internationally recognized norms. The Office also relies, where possible, on the enforcement by the authorities of the relevant national laws. An additional legal basis for protection is often provided by specific formal undertakings made by the authorities concerned, for example as elements of peace settlements, memoranda of understanding or ad hoc agreements with UNHCR or with other UN bodies or international organizations.

UNHCR's Statute does not include any general competence for persons displaced within their own country. However, the effect of various General Assembly Resolutions has been to confer on UNHCR a selective and limited mandate to undertake humanitarian assistance and protection activities on behalf of the internally displaced, provided certain conditions are met.

The two mandatory requirements for UNHCR action in favour of the internally displaced are a specific request from the Secretary-General or a competent principal organ of the United Nations (the General Assembly, the Security Council, or ECOSOC), and the consent of the concerned state. While no explicit definition is offered of the displaced persons in question, GA Resolution 48/116 refers to UNHCR activities on behalf of "persons displaced within their own country in situations calling for the Office's particular expertise."

Since UNHCR's expertise lies in providing international protection and humanitarian assistance to refugees and seeking solutions to refugee problems, the use of the term corresponds with UNHCR's operational definition of the internally displaced who are of potential concern to the Office as those in a refugee-like situation, i.e. persons fleeing persecution, armed conflict or civil strife, rather than victims of natural or environmental disasters.

The Executive Committee has stated that "UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and [that] the institution of asylum must not in any way be undermined." (A/AC.96/821, para 19 (u))

Reflecting these requirements and considerations, the preconditions which UNHCR considers essential for involvement with the internally displaced are:

- UNHCR's involvement must not in any way detract from the possibility to seek and to obtain asylum.
- UNHCR must have full and unhindered access to the affected population.
- Adequate provision must be made for the security of staff of UNHCR and its operating partners and for acceptable operating conditions.
- UNHCR's involvement should have the consent of all concerned parties and enjoy the support of the international community. (EC/SCP/87, Sub-Committee on International Protection, Report on Protection Aspects of UNHCR Activities on behalf of Internally Displaced Persons)

UNHCR should give favourable consideration to assuming primary responsibility for international action on behalf of the internally displaced where there is a direct link with UNHCR's activities under its basic mandate to protect refugees and to seek solutions to refugee problems. Such situations include those where:

- (a) internally displaced populations are present in or returning to the same areas as repatriating refugees, or areas to which refugees are expected to return;
- (b) refugees and displaced persons in similar circumstances are present and in need of humanitarian assistance and/or protection in the same area of a country of asylum;
- (c) the same causes have produced both internal displacement and refugee flows and there are operational or humanitarian advantages in addressing the problems within a single operation, including for example a "cross-border" operation;
- (d) there is a potential for cross-border movement, and the provision of humanitarian assistance and/or protection to internally displaced persons may remove the imperative to leave their own country.

The application of these criteria is not automatic. Even in situations where all criteria appear to be met, requests for UNHCR involvement on behalf of the internally displaced must be carefully assessed with regard to all the factors mentioned, including the Office's capacity at any given time to respond effectively in a particular situation while continuing to meet urgent needs elsewhere.

The role of UNHCR and other international agencies is primarily to support efforts by the government to ensure the protection of its nationals, including the internally displaced. While this is clearly an aspect of the High Commissioner's protection functions, it may more appropriately be called "international support for national protection". Where the government is unable to protect its nationals in-country, a variety of more direct protection functions may be undertaken by agencies such as UNHCR, ICRC, UN human rights mechanisms, and peace-keeping operations.

The "international support for national protection" that can be extended by a humanitarian organization such as UNHCR is not a substitute for the concrete protection and security any government must provide to all individuals within its jurisdiction and which include respect for fundamental human rights, like their right to life, liberty and security of person.

The UNHCR Executive Committee and the United Nations General Assembly have called on the High Commissioner to explore means for the international community to better address, within the UN system, the protection and assistance needs of the internally displaced (A/AC.96/821, para 19(t); GA Res 48/116).

It is essential that the presence, and needs, of internally displaced persons be systematically brought to the attention of UNHCR Headquarters in all cases where these come to the attention of the Office through its work on behalf of other categories of persons.

While UNHCR has been designated and is recognized generally as the international agency responsible for ensuring that the needs of refugees for protection and assistance are met, no single agency has a global mandate for the displaced. ICRC, which with the exception of UNRWA, is the only other international organization with a combined humanitarian assistance and protection mandate, has special competence for the provision of humanitarian relief and the protection of civilians in situations of armed conflict and for promoting the observance of international humanitarian law. These responsibilities are highly relevant to persons displaced or at risk of displacement as a result of war. In situations of armed conflict which include a strong link to refugee problems, such as actual or potential cross-border movements, UNHCR will have to reach agreement with ICRC on the most effective way to share the task of assisting and protecting the internally displaced. Despite the potential for overlap, however, the magnitude of the humanitarian tasks in conflict areas is such that regular consultations and coordination between UNHCR and ICRC result in complementary action and fruitful collaboration.

#### **6.4 Reintegration – the Anchor to Repatriation**

Preparing for return is not limited to the "going back". UNHCR's obligation to find solutions to refugee problems including through promoting and facilitating voluntary repatriation where appropriate, includes the initial reintegration of the returnees in conditions of "safety and dignity". Broadly speaking, this should be understood to mean that returnees and other persons of concern to UNHCR need to have access to reasonable resources, opportunities and basic services to establish a self-sustained livelihood in conditions of equal rights with those of other local residents and citizens. Their reintegration should take place under conditions of social, economic, cultural, regional and gender-based equity.

Most countries and areas to which today's refugees return have been devastated by civil war and/or communal hostilities. Material destruction and absence of development activities compounded by hidden anti-personnel mines on roads and pathways, around public utilities, randomly spread in villages and widely dispersed in agricultural, pasture and forest lands make any reintegration in safety and with dignity a dire task, beyond the mandate and resources of UNHCR alone. In fact, the general material conditions that refugees will encounter upon return may be worse than when they left. Thus reintegration should be addressed with the twin strategy of on the one hand meeting the most urgent livelihood and community rehabilitation needs and on the other establishing and/or reinforcing complementary, collaborative links with developmental actors.

It is incumbent on UNHCR to safeguard certain minimum criteria. These are:

- that the needs of returnees are assessed in relation to their access to services, resources and opportunities on equitable terms as other members of the community in which they settle and become members.
- that reintegration therefore is fostered through a community approach, supporting collective needs.
- that UNHCR designs community-based reintegration assistance in a manner which fosters reconciliation through community participation and commitment, including demobilized soldiers, internally displaced persons and other needy community members.
- that local capacities, including community organizations, indigenous NGOs, other parts of the civil society, as well as local and central government are supported to fend for themselves without

building aid dependency.

- that returnee women participate in the planning and implementation of projects and that projects are designed to aim at empowerment of women through specifically designed and targeted assistance, in particular, with a view to income generation.
- that returnees are not granted undue benefits and privileges because of their previous conditions as refugees, thereby possibly causing resentment among other, less privileged community members.

UNHCR has developed a "*Policy & Methodological Framework for Quick Impact Projects (QIPs) as a means of facilitating durable solutions through reintegration*". For ease of reference, the *Assistance Objectives and The Approach of QIPs in support of reintegration* appear as Annex 11 to this Handbook.

It is recommended that UNHCR formulate a country- and area-specific Reintegration Programme Strategy which specifies the criteria and programme priorities in the area of reintegration. Such a strategy, which ideally links up with longer term development plans, has to include protection considerations and to identify and address risks for a deterioration of security conditions as well as the safety of the returnees.

## 6.5 Landmines

The presence of landmines and other unexploded ordnance on main routes of return and in returnee settlement areas poses tremendous danger for repatriating refugees and is therefore a major protection concern to UNHCR.

The landmine has become as lethal to innocent civilians as any weapon of mass destruction. 800 people are killed or maimed by landmines every month. Most of the victims are women and children.

The need for return "in safety and with dignity" means that UNHCR **cannot promote** the voluntary repatriation of refugees in patently dangerous situations with the risk of bodily injury or death.

The complete removal of land mines is a large-scale, extremely costly and time-consuming exercise needing specialists. Twenty times as many mines are being laid than are being removed. Neither UNHCR and its traditional implementing partners, nor, often, the countries of origin concerned have the necessary technical and financial resources or organizational capacity to undertake demining activities on the scale needed. UNHCR therefore focuses on less costly measures that lead to immediate risk reduction like mine awareness campaigns.

It is UNHCR's responsibility from the very outset of repatriation planning, to obtain reliable information on areas seriously affected by the presence of land mines (and to discourage refugees from travelling to or through such areas). While a landmine survey (*see below*) is a national responsibility, UNHCR may be able to supply some pertinent information obtained through its presence in the country of origin as well as through interviews with refugees in the country of asylum.

An additional source of information is the Mine Clearance and Policy Unit in the Department of Humanitarian Affairs (DHA) - the designated focal point for all issues relating to landmines in the UN system. They have developed a database on land mines which encompasses country-specific information on estimated numbers, types and provenance of mines, progress in clearance, casualties, and mine-clearing capabilities. The same unit in DHA is currently putting together another database on Mine Awareness.

The Mine Clearance and Policy Unit in DHA is furthermore tasked with promoting national capacity

building in countries faced with the problem of landmines, working towards enabling these countries to shoulder their national responsibility with regard to all facets of the problem, including demining.

### *Suggestions for action:*

- ❑ **Landmine survey.** A landmine survey is an essential first step. This involves collating data at the community level through interviews with mine victims, local residents, hospital personnel, and military or paramilitary forces in order to obtain an overall picture of:
  - **types** of mines most commonly present on return routes and in prospective return areas
  - **locations** where mines are known to have been laid (with particular emphasis on dwellings or proposed sites, arable or grazing and, irrigation systems, river banks, roads)
  - the **scale** of the problem (involving an estimate of those killed or injured with gender and age breakdown, animals killed, vehicles destroyed)
  - **methods of mine marking** known to have been used in affected areas, and their effectiveness
  - any **attempts** made to clear mines, and problems faced
  - the **scale** and **type** of mine clearance operations needed for the repatriation programme to take place.

However, where landmines are used indiscriminately as a terrorist act or are uncharted, it must be recognized that the results of a landmine survey in reducing risks will be limited.

- ❑ **Identification of return routes.** For organized as well as spontaneous return movements, a survey of possible routes should be undertaken in consultation with the refugee community and the competent local authorities. This information should be shared with the national/international authorities dealing with demining and demarcation.
- ❑ **Repatriation method.** The presence of mines may have an impact on the proposed repatriation method, e.g. making it necessary to encourage refugees to repatriate by means of UNHCR-organized transport rather than returning spontaneously.
- ❑ **Marking of mined areas.** This is often referred to as demarcation, and is a temporary protection measure in lieu of or preceding mine clearance. It involves the installation of easily visible, standardized warning signs or marks at identified locations along routes of return and in the close vicinity of mine-affected settlement sites for repatriating refugees. For spontaneous return through mined areas, refugees need to be informed which routes have been marked and are considered safe. For demarcation to be effective, returnees and the local population have to be taught the signs used and their meaning.
- ❑ **Mine awareness campaign.** Mine awareness campaigns (MAC) are the normal starting point when aiming at improving local awareness and saving lives. These campaigns need to be tailored to the particular needs which different segments of a population may have. MAC must be sensitive to local cultures, levels of literacy, the roles of women and children in society and to the availability of medical support infrastructure. MAC include teaching people about the existence, appearance, and danger of landmines, how to avoid

possible injury and what to do in case of injury including safe rescue procedures and first aid, as well as what to do when a landmine is detected and how to recognize warning (demarcation) signs.

UNHCR's role in MAC is to train local trainers through competent NGO implementing partners and thus build up an effective national capacity for MAC. This permits a gradual phasing out of international experts (*please consult the manual: Mineawareness Instructor Training (MAI-Training). UNHCR Geneva, September 1994*).

Where possible, mine awareness campaigns should start in the country of asylum before the return movement and tie in with programmes in the country of origin in four ways:

- the curricula of MAC programmes on both sides of the border to be harmonized,
- personnel involved in demining in the country of origin to provide MAC information/training to refugees/returnees,
- refugees trained in MAC to receive additional training to become deminers in the country of origin,
- returning MAC teachers to be absorbed in MAC programmes in the country of origin to the extent possible (this is facilitated by certificates of training and service).

Ensure the participation of refugee/returnee women in mine awareness activities. Work towards equal numbers of male and female mine awareness trainers.

- ❑ **National capacity building.** Provision of training by international experts aimed at building a pool of skilled national deminers whose services will be vital not only to the UNHCR repatriation operation, but also for the long-term national programme of mine clearance. Major areas of training include MAC, survey, demarcation, mine detection and demining.
- ❑ **Mine clearance (demining) programme.** Although every mine in a country is a potential tragedy, not every mined site poses an immediate threat to voluntary repatriation operations. The two strategic locations that UNHCR will have to focus on are the routes of organized as well as, to the extent possible, spontaneous return and the sites where refugees will settle upon their return. A comprehensive programme of mine clearance for such locations as public utilities and places of economic activity is beyond the reach of UNHCR, and will have to be carried out within the national plan of rehabilitation and reconstruction.
- ❑ **Prioritization of returnee areas/routes of return.** From the planning stages of a repatriation operation and the drawing up of national demining and demarcation plans, UNHCR should negotiate with local and national authorities to ensure that returnee areas and routes of return are included as priorities in national demining and demarcation plans.

## Chapter 7 - Vulnerable Groups

### 7.1 General Considerations

Throughout all phases of the operation particular attention has to be paid to vulnerable groups such as unaccompanied children, unaccompanied elderly, handicapped and chronically ill as well as specific

needs of unaccompanied women and single heads of households.

Statistical information on vulnerable groups should be summarized as part of the profile of the refugee community during the planning phase. The special needs of individuals can be further determined during the registration for repatriation and consequently addressed during the following stages of the operation.

In addition to their role in the planning and implementation of the operation, NGOs dealing with vulnerable individuals should be consulted and involved on a case-by-case basis.

All aspects and phases of a voluntary repatriation operation must be geared to the prevention of vulnerability and the mainstreaming of addressing the special needs of those already vulnerable.

### *Suggestions for action:*

- ❑ Start working towards identifying durable solutions for vulnerable groups from the early planning phases of a repatriation operation. Thus, appropriate arrangements can be made early enough to allow as many vulnerable individuals as possible to repatriate during the mainstream of the operation. The negative effect on the vulnerable individual of being left e.g. in an empty camp, after everybody else has left, waiting to be received in their country once the necessary assistance can be rendered, cannot be overestimated. Moreover, agencies, which used to assist vulnerable groups in the country of asylum, may also phase out their programmes, leaving vulnerable individuals in a difficult situation in the country of asylum towards the end of the programme.
- ❑ Since the efforts to identify durable solutions for vulnerable individuals may necessitate additional activities on the side of the agencies caring for them, funding requirements of such agencies are likely to increase rather than decrease during a repatriation operation, even in light of possibly reduced beneficiary numbers. Assist partners in explaining these funding needs to potential donors.
- ❑ Ensure that the VRF contains a specific column, in which special needs are entered. This greatly facilitates that adequate attention is given to the needs of vulnerable individuals.
- ❑ If VRF data are to be computerized, insist that "special needs" are included since this will assist the repatriation staff on both sides of the border to focus on special needs of vulnerable individuals.
- ❑ Make special arrangements for the information campaign and repatriation registration of vulnerable individuals who cannot come to gatherings or to the registration centre. Refugee leaders, representatives of vulnerable groups and NGO staff working with vulnerable groups can assist UNHCR in identifying vulnerable individuals, who need to be provided with information and counselling and to be registered at their homes.
- ❑ The principles of respect for family unity and the best interests of the child require that parents should not repatriate leaving behind a minor child. In addition, any voluntary repatriation should be planned and implemented so as not to cause an abrupt and unwarranted division of the family unit.
- ❑ Work towards reducing vulnerability by enhancing family linkages, ensuring family unity and encourage refugees to return in groups, which provide social support (extended families, friends, women's groups, cooperatives etc.). Inform refugees about the possibility to return in groups and that their choice will be respected during all phases of the operation from registration to reception. Devise a registration and processing system (e.g. "group numbers", "linked cases", see *chapter*



4.3) that facilitates the return of families or support groups without being separated.

- ❑ When categorizing special needs during a repatriation registration and thereafter, pay attention to the fact that a vulnerability may not be relevant during all stages of the operation or not relevant in the specific context of the repatriation operation. This will inter alia avoid having to notify the country of origin about the arrival of a vulnerable individual, when that person does not require any special assistance in the country of origin. For example: a female head of household, whose spouse resides at the destination in the country of origin, may indeed require special assistance during the pre-departure and movement phase, but once reunited with her husband her vulnerability ends. Another example: an unaccompanied blind refugee will be vulnerable during all stages of the operation and require special help. A blind refugee, who lives and repatriates with an extended family, may be taken care of by the family and therefore require little or no help from UNHCR and other agencies.
- ❑ Following the repatriation registration exercise, share documentation on vulnerable groups and persons who have special needs during the return movement and reintegration with the relevant authorities and agencies in the country of origin well in advance of their return.
- ❑ Agree upon the division of responsibilities between UNHCR and other agencies concerning the voluntary repatriation and reintegration of vulnerable individuals. Ensure consistency in the various locations of the operation to avoid confusion between the different actors.
- ❑ Through cooperation with the relevant agencies and authorities on both sides of the border try to ensure that attention to the special needs of traumatized children does not stop in the country of asylum but is continued in the country of origin.
- ❑ Consider inclusion of a qualified social worker as "Vulnerable Individuals Officer" in repatriation teams. Thus, a person with professional qualifications can assist the UNHCR team in assessing the vulnerability of individual repatriants, ensuring that the required attention is rendered, producing case profiles of especially vulnerable individuals for use in the country of origin and liaising with all parties involved in the care of vulnerable individuals.

## 7.2 ***Unaccompanied Children***

This chapter is based on the following document: *Refugee Children. Guidelines on Protection and Care. UNHCR Geneva 1994*. Please consult these guidelines for further details.

### ***Definition:***

Unaccompanied children are those who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so.

The best durable solution for an unaccompanied refugee child will depend on the particular circumstances of his or her case. The possibility of voluntary repatriation should, however, be kept under review at all times. The guiding principle is to find a solution that is in the child's "best interest".

### ***Suggestions for action:***

- ❑ Ensure that decisions on durable solutions for unaccompanied children are taken by competent bodies that include experienced child welfare personnel.
- ❑ Ensure that tracing efforts to locate family members, verify family links and assess family reunion possibilities are enhanced once voluntary repatriation becomes a possibility. If not already in place, set up a network of all parties dealing with unaccompanied children on both sides of the

border. Keep the pressure to identify durable solutions for unaccompanied children high by establishing clear parameters for measuring progress, regular progress reports, field visits, coordination meetings.

- Ensure that the responsibilities and mandate of personnel involved in the voluntary repatriation of unaccompanied children are clearly defined and understood by all parties in the voluntary repatriation programme. Consider working out checklists clearly indicating the activities to be undertaken and who is responsible.
- Invite NGO(s) dealing with unaccompanied minors to participate in the conducting of information campaigns and the registration for voluntary repatriation. Their knowledge of the children should help to tailor the information campaign to the needs of unaccompanied children and facilitate counselling during the registration process.
- Register unaccompanied children on their own VRF.
- Carefully assess the decision to repatriate of the unaccompanied child in the light of his or her maturity. Unaccompanied refugee children over the age of 16 are usually mature enough to make their own decisions about long-term solutions. Depending on the degree of maturity, children over the age of nine or ten may be able to make rational choices if provided with adequate information. Their preferences should, therefore, receive consideration. Children below nine or ten years of age may not be sufficiently mature to make an independent judgement; but they should always be given the chance to express their views. In each case, a minor's evolving mental maturity must be determined in the light of the personal, family and cultural background. Qualified child welfare workers should be involved in the process of interviewing unaccompanied children.
- Keep the child informed about what is happening concerning his or her repatriation.
- Set up mechanisms to ensure that the unaccompanied child receives all benefits related to his or her voluntary repatriation.
- Ensure that a copy of all relevant documentation on the unaccompanied child (like tracing documentation, school and health certificates, VRF, any records NGOs kept, which cared for the child) travels with the child to the country of origin and is handed over to the competent person at the destination. Give consideration to the possible necessity to translate this documentation into the language of the country of origin prior to dispatching it.
- Clearly mark the personal belongings of the unaccompanied child and make sure staff involved in the movement know, where the child's luggage is and that it is handed to the child at the end of the journey.
- Arrange two-way Cross-Border Travel Authorizations for persons engaged in the care for unaccompanied children to enable them to join the children during their return movement. It is important that unaccompanied children are accompanied by staff they are familiar with up to their destination and that proper hand-over procedures are carried out with the persons/institutions receiving the child.
- Between the relevant partners on both sides of the border set up a system of advance information as well as reporting back following return on unaccompanied children.

### **Specific considerations for unaccompanied children in foster care.**

#### ***Suggestions for action:***

- When considering the voluntary repatriation of a family caring for an unaccompanied child, carefully assess - through an experienced child welfare worker - the nature and durability of the relationship between the child and the family to help to determine whether they should remain

together.

- ❑ Obtain assurances that the family will continue to provide for the child.
- ❑ In consultation with the child, balance the child's need for continuity of care and the degree of attachment to the foster family against the possibility of ultimate family reunion.
- ❑ Clearly inform refugee foster families who are considering whether to continue caring for an unaccompanied child in the country of origin whether or not they will receive any additional assistance because they care for the child. They may be used to additional assistance rendered in the country of asylum and expect the same to continue in the country of origin. If expectations are not met, the child may be abandoned.
- ❑ Give consideration to the area of origin of the unaccompanied child in relation to the intended destination of the foster family. If the child is from a different area, he or she needs to be carefully counselled about the fact that the foster family intends to return to a different area and the distances and problems involved. It should also be clear to the child that staying far from his or her area of origin may decrease chances of tracing his or her family. A child being emotionally attached to the foster family, but objecting to returning to the same destination is a scenario to be reckoned with.
- ❑ Carefully listen to signals that may indicate that the child does not wish to stay with the foster family upon repatriation. Even careful assessment of child welfare workers should not override children's concerns. Based on his or her everyday contact with the family, the child may feel that the family only takes care of him or her because of assistance linked to the foster arrangement. These feelings need to be taken seriously and respected.
- ❑ Consider that families repatriating with a foster child may abandon the child for any number of reasons at some stage after return. Therefore close monitoring of the well-being of foster children following return is vital.
- ❑ Establish monitoring and counselling services in the country of origin to which families caring for unaccompanied children can address their questions and concerns. Inform the families about the location of such services closest to their place of residence. Ideally, staff of such institutions should undertake regular home visits to ensure the well-being of the child and the durability of the foster arrangement.
- ❑ When repatriating a foster family with an unaccompanied child, check before departure of the transport arranged that the child is physically with the family and has not been left behind in the last minute.

### **7.3 Tracing**

In conflict situations, ICRC customarily establishes a tracing service. This is based on computer registration of individuals (including unaccompanied minors) who have been separated from their families, and of families searching for lost members. Any query activates a computer search. UNHCR has generally found that this system can usefully be supplemented by more active measures to search and reunite families, notably where unaccompanied minors or elderly refugees without family support are concerned. ICRC may also take more active steps to circulate or post names and photographs of those being traced.

In addition, ICRC operates a system of Red Cross family messages, which are open, single-sided pages, to enable communication between civilians across front-lines. These also serve a tracing function.

In non-conflict situations and in other cases where no partner is immediately available to take over tracing functions, UNHCR is required to play a more active tracing role. Some guidance as to how to

approach this is given below.

The policy of avoiding the placement in institutions of unaccompanied children and other vulnerable returnees without family support makes tracing an even bigger challenge. Without family support for these persons, institutions are more likely to become substitute homes for vulnerable individuals.

### *Suggestions for action:*

- Family tracing activities should be pursued diligently long before repatriation commences. However, there may still be a need to reinforce and give utmost priority to family tracing activities from the early phases of a repatriation operation. If a repatriation operation follows the end of a war/conflict in the country of origin, the opening up of that country following the end of hostilities can lead to tracing results impossible to obtain previously. Thus agencies dealing with tracing activities should be encouraged to also follow-up on cases for which no progress was recorded for a long time.
- Tracing must be vigorous. Effective tracing methods include: posting photos on bulletin boards, community meetings, use of radio, TV and newspapers, preparing tracing books or "newspapers" with photos for systematic circulation, interviewing adults who have lost children, taking children to locations they have described.
- Tracing must be done even when the refugee without family support believes that the relatives are dead. Experience shows that at least part of the family may still be alive.
- When registering for repatriation, ask every refugee/family whether they are missing/have lost a child. If the answer is yes, take down the details as agreed with the agency responsible for tracing. Consider having an officer from the tracing agency present to deal with such cases on the spot.
- Remember that in the absence of ICRC or any other agency involved in tracing the UNHCR network of Branch, Sub and Field-Offices on both sides of the border should try to render their good offices to the extent possible. This has in many cases been very successful. Use all means of communication at your disposal. Consider establishing a network of community volunteers to deal with tracing requests pertaining to their community.
- In the absence of a system of Red Cross family messages, consider setting up a simple mail system between UNHCR offices in the areas where refugees are residing and UNHCR offices in the country of origin to facilitate tracing efforts. Again, a network of volunteers may be a useful arrangement.
- Faced with a situation where various agencies are involved in tracing, ensure that networking works to avoid duplication of efforts and to ensure effective flow of information.

Tracing is not an issue relating to unaccompanied children only. All refugees looking for their families should be assisted. In particular vulnerable individuals without family support, no matter what their age, need tracing efforts to find their families in order to render them less vulnerable.

## **Chapter 8 - Other Important Aspects**

## **8.1 Personal Belongings, Cash Holdings, Livestock, Pension Entitlements**

In particular where refugees are returning to difficult situations and after having lived in the country of asylum for an extended period, the repatriation of personal property and funds is of crucial importance for a dignified return and a smooth reintegration. Every possible effort should therefore be made to allow refugees to return without leaving their belongings behind.

As a general principle, refugees should be allowed to take their personal property with them to their home country, subject to possible limitations with regard to a luggage entitlement, based on logistics constraints. This, however, excludes items generally prohibited by law, like arms and ammunition.

Considering the difficulties returnees may face building new lives e.g. in countries destroyed by war, a luggage allowance, if applied, may constitute a strong disincentive to repatriation.

Countries of asylum and of origin may usually apply restrictions on the export or import of certain goods or limit exemptions from taxes or levies to a certain maximum value. Within the framework of the repatriation operation, the country of asylum and the country of origin should not apply any restrictions, taxes or levies regarding the export/import of personal property of returnees. As early as possible before the start of the repatriation operation written agreement on customs procedures, including the transfer of funds and cash holdings should be obtained. Procedures, if not waived altogether, should be kept clear and simple. This applies in particular to border procedures which, if they cannot be avoided altogether, should especially in convoy operations be carried out at the departure points, in order to avoid delays and complications during the movement.

The movement of property and, if it cannot be avoided, a luggage allowance, restricting weight or volume of refugees' personal effects, should be planned well in advance and in consultation with the refugees. Once agreement is reached, refugees have to be fully and clearly informed of all details. In particular where restrictions have to be applied, refugees require sufficient time to enable them to sell parts of their property for adequate prices or to exchange them for other useful items which may be transported easier.

Attention needs to be paid by all parties involved in a voluntary repatriation operation that refugees are not deprived of their belongings or coerced into selling/bartering their belongings below their value based on incorrect information pertaining to the belongings they are allowed to take. E.g. the local population may tell refugees that they are not allowed to take radios or furniture and offer to buy them for prices much below the market value. In such instances UNHCR should reinforce the information campaign concerning the specific entitlements to take personal belongings and in cooperation with the local authorities try to protect the right of refugees to their property.

As a rule, personal effects should travel with the repatriants.

If necessary, suitable materials for packing and labelling personal effects should be provided.

As applicable, arrangements should be made for the transport of communal property.

In many countries, the export of cash holdings is subject to exchange control restrictions and requires the approval of the Reserve Bank or a similar institution. An agreement on the exemption from such restrictions and on modalities for the exchange of returnees' cash holdings should be initiated as early as possible.

Additional problems may arise out of the need to move livestock, which in many situations may not be otherwise available in the country of origin. Health clearances and other possible veterinary requirements should again, if possible, be waived. In view of logistics constraints associated with moving larger animals, an alternative arrangement may have to be made, so that a member of the family can walk the livestock across the border. Respective procedures and formalities will have to be agreed upon.

A mechanism should be devised to assist refugees who have acquired pension or similar entitlements and who face difficulties in being paid out. In cases where it is not possible to arrange for the payment of a lump sum prior to departure, arrangements may have to be made in order to have funds transferred,

probably on a regular basis, to the country of origin. Should this not be possible due to technical or other restrictions, refugees may have to be advised to open accounts in the country of asylum and to make arrangements that they themselves or a person who is given power of attorney travel occasionally back to the country of asylum, in order to withdraw accumulated funds.

## 8.2 Health

### *Suggestions for action:*

- ❑ **Include health issues in repatriation negotiations.** In order to facilitate agreement on health issues pertaining to voluntary repatriation in time for the start of the operation as well as to emphasize their importance, health issues should be included in tripartite or bilateral repatriation negotiations. A technical (sub)-committee, working group or similar arrangement may facilitate reaching agreement on detailed technical issues.
- ❑ **Cross-border visits of medical staff.** It is advisable for health personnel from the country of origin to visit the refugee camps and vice versa to orient medical staff in the country of asylum on health policies in the country of origin. If necessary, such visits can be agreed upon in the tripartite context to facilitate border procedures.
- ❑ **Pre-departure health screening.** Health screenings of all repatriants scheduled for departure should be undertaken usually two days before the actual departure by organized transport. If the health screening is undertaken earlier, acute illnesses may not be diagnosed before departure. The presence of medical personnel during the embarkation of passengers on repatriation transport may provide an additional safeguard to ensure that only repatriants fit to travel join repatriation movements. If a refugee has been found unfit to travel, care should be taken that his or her movement is scheduled as soon as his or her condition allows travel.
- ❑ **Medical escorts:** Each organized repatriation movement should be escorted by a qualified health staff (nurse) equipped with a medical kit, to attend to repatriants developing health problems during the journey. Prior to resuming their convoy duties, these nurses need to be trained in convoy as well as emergency procedures. Depending on the travel time and the number of passengers on a given convoy, two nurses may be required. The convoy escort nurse should have access to communication (VHF, HF radio) with the convoy leader.
- ❑ **First aid training.** Drivers of repatriation vehicles (light escort vehicles as well as buses and trucks carrying repatriants and their belongings) should receive a training in first aid.
- ❑ **Emergency procedures.** Each convoy vehicle should carry a leaflet outlining procedures to be followed in case of an accident or emergency, while all drivers and staff involved in the movement need to be trained in these procedures prior to resuming their duties. Before the start of repatriation movements, referral hospitals en route should be identified.
- ❑ **Pregnant women.** All pregnant women should be screened by medical personnel to determine whether they can travel.
- ❑ **Health cards.** The use of simple, if necessary bilingual or multilingual, health cards for repatriants suffering from chronic illnesses or having a tendency to high risk pregnancies should be encouraged. The format can be agreed upon in the tripartite context or alternatively between UNHCR and the Ministries of Health in the countries of asylum and origin. Detailed information on illnesses and handicaps should be recorded on such type of documentation and not on the VRF to avoid stigmatization.
- ❑ **Refugees/Returnees medically at risk.** The special medical needs of refugees including psychiatric cases have to be met during all phases of the repatriation. First planning needs to take place cross-border as to a suitable durable solution in a place where the necessary services

can be rendered. Then necessary inputs like drugs, etc. may have to be provided before departure to bridge possible gaps between arrival in the home country and access to the required services there. Upon return the condition of such returnees and their access to the vital services have to be monitored by UNHCR. The basic principle to observe is: Keep such especially vulnerable individuals with their family/community; do not single them out.

- ❑ **Outbreak of contagious diseases.** In the event of an outbreak of life-threatening contagious diseases like cholera in the areas of operation on either side of the border, repatriation movements need to be suspended until it can be ascertained that they will not contribute to spreading the disease.
- ❑ **HIV/AIDS testing.** UNHCR's policy that mandatory testing for HIV/AIDS amounts to a violation of human rights and that it has no public health justification also applies to voluntary repatriation operations. A refugee has a right to return and the country of origin has an obligation to receive him or her back without any limitations pertaining to the state of health of the individual concerned.

### 8.3 Education

Students and teachers should be provided with documentation before return. Schooling should be promoted in returnee areas.

#### *Suggestions for action:*

- ❑ **Documentation/certification.** Where political conditions permit, there should be contact with the Education Ministry of the country of origin from the early stages of a refugee emergency, to arrange for recognition within that country of studies undertaken in exile. If required, UNHCR can facilitate the coordination between the Ministry of Education in the country of asylum and the Ministry of Education in the country of origin.
- ❑ In any case, when repatriation approaches, documents should be issued to returning students, indicating the studies they have undertaken. Teachers should also be provided with documentation regarding any training they have received, years of service and positions held. Recognition by the country of origin of such documents (school certificates, teacher training certificates, certificates of service) as well as their format, can be negotiated in the tripartite context to stress their importance. If the language in the country of origin is different from the language of the country of asylum, such documents should either be bilingual or in the language of the country of origin. It may be necessary to agree with both the country of origin and the country of asylum on procedures for the issuance of such documents in order to ensure their recognition in the country of origin. The use of such documents/certificates should aim at avoiding individual entry examinations or tests for returning refugee students and teachers to facilitate their smooth and speedy integration into the educational system of the country of origin. Most countries of origin would face problems dealing with the number of individual entry examinations or equivalency assessments related to a massive voluntary repatriation.
- ❑ **Orientation.** Orientation may be provided to children and parents regarding various

aspects of the return process. For example, young children may have discussions with adults and other children about life in the area of return. Older children and adults may be informed of expectations regarding education programmes (whether government schools will be operational and have sufficient capacity for returnees or whether self-help arrangements will be needed).

- ❑ Skills training may be reoriented to meet return and reconstruction needs. Educated refugees may be trained to participate in the organizational tasks required by the repatriation and reception phases. Where possible, information on skilled refugees should be shared as early as possible with the country of origin since their early voluntary repatriation may in certain situations facilitate the reconstruction of basic infrastructure in the areas of return.
- ❑ **Mine awareness.** If landmines and other unexploded ordnance are likely to be a cause of danger for the physical safety of returnees and a mine awareness programme is carried out for the refugee/returnee population, the inclusion of mine awareness education in the school curriculum should be considered so that this vital information is adequately provided to schoolage children. Additionally, drama groups, drawing competitions and school choirs taking up mine awareness topics may help to reinforce the message.
- ❑ **Repatriation movement schedule.** If at all possible, repatriation movement schedules should give consideration to the school term in order to reduce the number of students who are returning home before the completion of their present term.
- ❑ **Advance information on returnees.** To ensure the smooth integration of students and teachers into the educational system, the Ministry of Education at the national level and local school officials in the districts of return should be informed of the characteristics of the expected returnee population (number of students by level and type of study, number of teachers and trainers, etc.).
- ❑ **Support for reintegration.** After repatriation, UNHCR may, if necessary, intervene in the initial integration phase, to ensure that adequate educational personnel, educational facilities, textbooks and learning materials are provided in the communities where the returnees have settled, as well as support the rehabilitation of school buildings.
- ❑ **Information and counselling.** Information and counselling on all available education programmes and employment opportunities should be provided to those students/trainees whose studies were interrupted by repatriation. Government and other agencies should be approached to arrange appropriate placements in home country institutions, wherever possible.

*(for further information see: Revised (1995) Guidelines for Educational Assistance to Refugees. UNHCR Geneva, June 1995)*

#### **8.4 Security Considerations and Transport Arrangements**

Whenever voluntary repatriation takes place by means of UNHCR-organized transport whether by road, rail, air or sea, special attention needs to be paid to arranging pre-departure procedures and transport in a way that ensures the utmost safety and dignity of repatriants.

##### ***Suggestions for action:***

- ❑ Wherever possible, focus early on the identification of a competent implementing partner for the transport/logistics sector of the operation to allow UNHCR to focus on its protection functions while leaving the technical aspects of the logistics sector to a specialized agency.



- Before the start of any repatriation movements, design a movement (convoy) management system and agree upon it with all parties concerned. Checklists will be useful.
- Agree repatriation movement schedules as well as the number of repatriants per movement and the movement (convoy) destination(s) with all parties concerned.
- Ensure that in keeping with UNHCR's leading role in voluntary repatriations, UNHCR stays in overall charge of the operation. In view of security and protection considerations, UNHCR should be clearly in charge and lead the movements, while implementing agencies should perform assistance as well as technical functions.
- Check and assess routes which repatriation convoys are planned to take prior to the start of any movements on such routes. Ensure that the selected routes are safe, and do not pass through areas where conflict is occurring, where terrorist attacks may occur or where there is a danger of landmines.
- Design a simple convoy report format to be completed after each repatriation movement.
- Arrange the labelling of each piece of repatriants' luggage with the repatriant's name, VRF number, destination and the number of the convoy vehicle which will carry it. This will help to ensure that luggage does not get lost, misplaced or sent to the wrong destination.
- Move repatriants and their belongings in the same convoy.
- Provide refugee women with sanitary napkins before the journey, if this is not taken care of already through other programmes.
- Make special arrangements, as required, for vulnerable groups.
- Make arrangements for food, water and medical care during the movement.
- Use coaches/buses to transport persons where possible. Otherwise use trucks. Never move people in trailers.
- Distances permitting, avoid over night stops to the extent possible. They inconvenience repatriants and are a source of logistics problems. However, if long journeys require stop-over points, ensure that adequate refreshment, gender-sensitive accommodation and sanitation facilities are arranged as required.
- Transport repatriants as close to their final destination as possible.
- Inform UNHCR in the country of origin as early as possible by radio or other suitable means about the number of passengers on each convoy and the breakdown by destination in order to facilitate reception arrangements.
- Avoid travelling with a military escort, since this may give the impression that the return is not accepted by all parties concerned and that the repatriation is not voluntary. However, traffic police escorts can be helpful when passing through crowded cities etc.
- If these are not waived altogether, negotiate for customs and immigration checks and procedures to take place in a way that avoids repatriation convoys having to stop at border points (e.g. conduct the checks in the camps/at the departure points prior to the start of the convoy movement).
- Once the convoy is moving, follow a routine of frequent radio checks.
  - Establish a mobile response system to deal with vehicle breakdowns as well as a back-up system where major repairs and maintenance works of the vehicles can be undertaken.

*(Since the above is by no means comprehensive, please consult for further details: Voluntary*

## **8.5 Repatriation and Elections in the Country of Origin**

As already mentioned in *chapter 5.2*, conflict settlements often include the holding of national elections and refugees may be expected to repatriate according to a certain schedule in order to vote.

UNHCR can only commit itself to strive towards the above goal within the limits of its capacity and based on the refugees' willingness to return before elections. If refugees are eager to participate in the national elections, UNHCR should certainly spare no effort to assist them in returning in time. Should refugees be reluctant to return before the elections for fear that the outcome may cause them to flee again, UNHCR has to be mindful of these concerns and reflect them in repatriation planning and implementation.

However, returning in time to vote is not the only issue. The cut-off date for voter registration is usually well before the election date and the question arises whether or not voter registration of refugees can or should take place in the country of asylum. As far as UNHCR is concerned, it certainly can, provided that the host government and the government of the country of origin agree on procedures that allow all refugees the same free access to the voter registration procedure and no benefits or disadvantages are tied to registration or non-registration. Voter registration should never be linked to registration for voluntary repatriation either in terms of the location where it takes place or in terms of the use of data. If voter registration is carried out in the country of asylum, UNHCR should not be actively involved in any way other than monitoring that no international protection principles are violated.

It may be necessary for UNHCR to insist that the country of origin declares amnesties or guarantees before undertaking voter registration so that information on registered voters cannot be misused.

If voter registration has been undertaken in the country of asylum or for any reason is not necessary, the next question is whether in the run-up to the elections political parties should be allowed to campaign in the country of asylum in order to inform eligible refugee voters. Again, this will mainly depend on the relations between the host country and the various parties in the country of origin. If these relations allow for all political parties to campaign in a fair manner and no other protection concerns cloud the situation, UNHCR should monitor these visits of political parties to refugees and, if possible, even consider using their existence as a sign of peace and national reconciliation. UNHCR may wish to point out that it may serve confidence-building, if different political parties address refugees in a common forum so that refugees can see for themselves that their country is on the road to peace and democracy.

If refugees cannot return home before either the deadline for registration for elections or the elections themselves due to continued uncertainty or due to a lack of logistical capacity, should voting take place in the country of asylum? Again, if all refugees have an equal and unhindered possibility to cast their vote and thereby exercise their right to participate in the shaping of the political future of their country without repercussions, UNHCR should leave it to both countries involved to negotiate the arrangements for implementation. However, UNHCR should monitor the election process in exile and ensure that the preconditions for it taking place in exile are met.

The main guiding principle for UNHCR concerning elections in the country of origin is that UNHCR has to act strictly in line with the purely humanitarian and non-political character of the activities of the Office and aim at upholding the principles of

international protection.

## 8.6 Repatriation of Individual Cases

The basic protection considerations for UNHCR involvement in the voluntary repatriation of individual refugees (referred to as individual cases, or ICs) are substantially the same as those in large-scale operations. A number of UNHCR Field Offices have specific voluntary repatriation projects under which assistance is provided to individual refugees and refugee families who seek help in returning voluntarily to their home countries. Similar projects are also administered by UNHCR Headquarters for refugees not covered by existing projects in the field, either by the Division of International Protection or the Regional Bureaux.

When a refugee seeks help for repatriation, the first task to be undertaken by the competent Field/Protection Officer is to establish the voluntary character of the refugee's decision to repatriate. This requires a personal interview with the refugee. The elements of "voluntariness" are the same as those to be considered in large-scale, organized repatriations: namely, an informed decision by the refugee, and an absence of direct or indirect coercion by the authorities of the countries of asylum or origin. Indirect coercion, in such cases, would include deliberate maintenance of dire conditions in refugee camps, or a denial of basic rights (see *chapter 2.3 on "Voluntariness"*).

The refugee should complete and sign a Voluntary Repatriation Form (VRF) in line with the principles outlined in *chapter 4.3*. A VRF should be completed by each person over the age of 18.

Where the repatriation request involves a family, the Field/Protection Officer should, as in mass repatriations, establish the voluntary nature of the return with respect to all adults, including through individual interviews, where considered necessary (see *chapter 4.3*). In the case of repatriations involving children under the age of 18, UNHCR should be guided by the principle of family unity, and the best interests of the child. Both principles form part of the Convention on the Rights of the Child (see also *chapter 7.2 on "Unaccompanied Children"*).

If UNHCR is approached by a mentally handicapped refugee requesting voluntary repatriation, the responsible officer has to ascertain that the IC has the ability to assess the situation and make an independent and rational decision regarding his or her repatriation. In case of doubt or of a severely mentally handicapped/psychiatric case, appropriate advice may be sought from UNHCR Headquarters.

Once the voluntary character of the intended repatriation is established, the refugee should be assisted with, as necessary, permission to return to the country of origin, travel documents, exit/entry/transit arrangements, travel expenses, and repatriation allowance. The exact assistance to be provided can be checked with Headquarters.

In some cases, UNHCR's involvement may need to be discreet. The refugee may not wish the authorities in his or her home country to know that he has been in exile or receiving assistance from UNHCR.

The following criteria must be met for UNHCR to provide material assistance towards an individual repatriation:

- The applicant must be formally recognized as a refugee by the host country or by UNHCR under its mandate. If no determination has previously been made, it can be made at the time of the request for repatriation assistance (post facto determination).
- The applicant must establish that he or she is a national of the country to which repatriation is sought.

- The applicant must make a written declaration that the decision to repatriate is voluntary (VRF).
- The applicant must establish to UNHCR's satisfaction that he or she cannot afford personally, nor obtain elsewhere, the necessary funds for the repatriation.
- The applicant must be able, legally and practically, to return to and take up residence in the home country. That is, the applicant must have or obtain a valid passport or travel document, and there must be no transport related barriers to return.

Please find below a checklist outlining the main elements which should be included in any submission to Headquarters requesting authorization for cases of individual voluntary repatriation (*UNHCR IOM/35/92 FOM/36/92 dated 1 April 1992 refers*):

- Name, sex, date of birth, place of birth, nationality of IC and family members, final destination.
- Confirmation that applicant has been recognized as a refugee or as a person of concern to UNHCR.
- Confirmation that IC has completed/signed a voluntary repatriation declaration.
- Confirmation that IC has obtained valid travel document/return clearance, including details of travel document (i.e. nature of travel document, issuing authorities, period of validity, etc.).
- Confirmation that IC unable to pay travel costs and that no other funding sources available.
- Estimated cost of transportation by most direct and economical route (specifying itinerary and whether by air, land or sea) at IOM's preferential rate, whenever applicable.
- Assessment/recommendation by Field Office concerning payment of repatriation grant and/or travel allowance.

There may be a formal repatriation agreement to cover the return of ICs, which can alter the basic criteria set out above, such as the Memorandum of Understanding between the Government of South Africa and UNHCR, and the Tripartite Agreement between the Government of Chile, UNHCR and the International Organization for Migration (IOM). Under both these agreements, eligibility for repatriation was defined in a broad and all-encompassing spirit. Thus it included, for example, former refugees who had acquired the citizenship of their countries of residence, and exiles who had never sought refugee status.

## **Chapter 9 - Interagency and NGO Cooperation**

UNHCR is the lead agency in refugee repatriation operations and, as such, is normally responsible for coordinating the input of other UN agencies, intergovernmental organizations and NGOs. In complex operations, involving a significant non-refugee component, DHA, while not an operational agency, may coordinate assistance activities. UNDP should be the overall UN coordinating agency responsible for rehabilitation and longer-term integration. UN development agencies (UNDP in particular) should be involved from the beginning of the planning of repatriation/reintegration efforts. They, and all other UN agencies operating in the area, should be fully briefed on the protection elements of voluntary repatriation.

The main intergovernmental organizations outside the UN system whose cooperation is important to UNHCR are the International Committee of the Red Cross (ICRC) and the International Organization for Migration (IOM). ICRC works on behalf of prisoners of war, war wounded, detainees, deportees, in the tracing and communication between separated families, and with civilian populations affected by war and famine. All these activities may include refugees, and the activities of ICRC and UNHCR often converge. ICRC normally assumes primary responsibility for persons displaced within a country as a result of conflict, whereas UNHCR is responsible for refugees in countries of asylum as well as for returnees.

When repatriations take place in situations of armed conflict, UNHCR and ICRC may find themselves working together on behalf of returnees and displaced persons in the country of origin. Under its mandate, ICRC can provide:

- active protection as part of its task to monitor the observance of the Fourth Geneva Convention;
- medical, food and material assistance;
- assistance in tracing and family reunification.

It is essential to maintain close contact with ICRC and seek their active involvement, particularly in areas where they have long experience, such as tracing and family reunification. By helping returnees establish contacts with their relatives, ICRC can make a vital contribution to their reintegration.

A number of international organizations including CARE, GTZ and IOM have long-standing expertise in handling the transportation and logistics of refugees and displaced persons. Their activities are usually contracted by UNHCR or included in inter-agency consolidated plans of action or appeals.

In recent PARinAC (Partnership in Action) consultations, UNHCR and a broad array of NGOs have reiterated the basic principles underlying their cooperation in favour of the international protection of refugees, including with respect to voluntary repatriation. NGOs have a strong advocacy mandate and their involvement in policy formulation, as well as in the more practical aspects, can be helpful.

The "Oslo Declaration and Plan of Action" which emanated from the global NGO and UNHCR Conference in June 1994 encompassed nine recommendations specific to voluntary repatriation, which are reproduced as Annex 8 to this Handbook.

Agency assistance programmes must recognize refugee women and men as active participants rather than passive beneficiaries, with governments, international agencies and NGOs playing a support role.



ANNEXES

ANNEXES

## Annex 1. Checklists

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Please note that the checklists provided below had to be limited to the most important points in order to avoid a repetition of major parts of the Handbook. For detailed suggestions on actions to take in order to implement the points highlighted below, please refer to the related chapters of this Handbook.

### **MAIN PROTECTION ACTIVITIES IN VOLUNTARY REPATRIATION OPERATIONS**

Once UNHCR has determined that it can be involved in an organized voluntary repatriation operation, the following practical protection elements must always be borne in mind:

- UNHCR has to ensure the voluntary nature of the repatriation and that it takes place under conditions of safety and dignity.
- Physical security in camps, staging areas, reception centres and routes of return must be assured. The national authorities are responsible for this, but UNHCR should maintain an

uninterrupted presence in all of these locations.

- All measures have to be taken to ensure that refugee and returnee women are fully involved in the planning and implementation and have equal access to all information, procedures and assistance related to repatriation.
- Family members should be repatriated together whenever possible. Cases of split families must be identified and provisions made for tracing, where necessary, and subsequent reunification.
- The needs of school-going refugee children to complete their current cycle of education should be accommodated, whenever possible.
- Specific measures must be taken to ensure the protection and care of unaccompanied minors and other vulnerable groups.
- Agreements must be negotiated to dispense with, or reduce to a minimum, immigration, customs and health formalities for border crossings.
- Repatriating refugees should be permitted to bring their legally-acquired assets and movable personal and communal property.
- Following repatriation, returnees should not be deprived of freedom of movement through prolonged involuntary stays in reception centres.
- In the country of origin, the focus should be on and UNHCR should monitor the non-discrimination of returnees for having been in exile, the re-establishment of an effective and durable state-citizen relationship and the early and full restoration of national protection.

## **A. Preparatory and Promotional Activities**

### **(i) In Countries of Asylum**

- Strengthen/establish UNHCR presence.
- Undertake or update repatriation-related surveys, including demographic and socio-economic profiles of the refugee population, identification of areas of origin and preferred destinations upon eventual return, identification of vulnerable groups and their particular needs and share this information cross-border.
- Consult refugee women and men about ways to promote voluntary repatriation. Present a low-key explanation of voluntary repatriation, stressing that once a programme is initiated it will be for each refugee to freely decide whether to return.
- Consult the authorities, with a view to agreement for establishing a tripartite (repatriation) commission; identify potential positive and negative factors, including political sensitivities and administrative concerns, as well as seasonal factors relevant to the repatriation.
- Determine whether different repatriation approaches would have to apply to different ethnic or other groups within the refugee population, or between refugees in (UNHCR-assisted) camps and those who have settled spontaneously; if this is the case, consider how to accommodate such differences in your plans.
- Based on an assessment of refugees' post-repatriation needs, re-orient assistance programmes towards repatriation preparedness in such areas as education, vocational training, income-generating activities, health and community development. Ensure that this will not undermine the voluntary nature of the programme.
- Identify possible implementing partners for tasks under the repatriation programme that you do not

foresee UNHCR implementing directly.

- In cooperation with the country of origin, start work on an operations plan covering all protection and assistance aspects.

## **(ii) In Countries of Origin**

- Make a thorough assessment of the causes that led to the refugee situation, and subsequent developments (such as policy changes, domestic stability, signals from the government to accept refugees back) which now make voluntary repatriation possible.
- Strengthen/establish UNHCR presence in the capital and areas to which the refugees are expected to return.
- Collect baseline data on potential areas of return, and identify possible constraints (such as access to suitable land, housing, land mines), and other important factors such as the availability of health/water/education facilities, presence of NGO's and other UN agencies, seasonal, security, administrative, or logistical issues.
- Share with the government and other relevant parties the profile of the refugee community (= future returnee population) for operations planning.
- Encourage the authorities to promote conditions conducive to the voluntary repatriation and reintegration of refugees, including recognition of and respect for their right to return to their country in conditions of safety and dignity; seek, as appropriate and necessary, proclamation of amnesties and/or other official guarantees and assurances for the safety of those who may decide to repatriate.
- Obtain agreement on the establishment of a tripartite (repatriation) commission and on such issues as reception facilities, security en route to final destinations, protection without recrimination, access to documentation, UNHCR returnee monitoring.
- Assess the effectiveness of existing cooperation between local UN organizations, if any.
- Identify and work with (local) NGOs in the human rights field, if appropriate with a view to maximizing support for the creation of conditions conducive to safe return and reintegration of refugees.
- Based on the estimated potential caseload, identify with input from the authorities, appropriate UN agencies and international and national NGOs, Quick-Impact Projects that could meet the repatriating refugees' rehabilitation and initial reintegration needs. Implementing and coordinating mechanisms, including the integration of returnee projects with other national developmental programmes, will have to be identified as well.
- In cooperation with the country of asylum, start work on an operations plan covering all protection and assistance aspects.

## **B. Activities in Pre-Departure Phase**

### **(i) In Countries of Asylum**

- In consultation with refugee women and men, determine the assistance package and security/protection procedures for facilitating voluntary repatriation.
- Plan, assign and coordinate tasks, including for activities relating to training, information dissemination, registration and documentation, security, movement escorts, etc.; arrange for the



prepositioning of the necessary strategic commodities and establishing of required services.

- Determine desired assembly centres or staging areas, border crossing points, routes and methods of return, as well as a timetable (i.e. estimated number of people moving at what intervals over what period taking into consideration the absorption capacity and preparedness of the country of origin); ascertain all departure formalities required by the government.
- Select competent implementing partners and establish clear-cut operations arrangements among all parties involved including government, UN system and NGOs.
- Establish a repatriation commission, ideally in the form of a tripartite commission.
- Conclude a repatriation agreement, ideally in the tripartite format, in the context of the legal framework established by the tripartite (repatriation) commission.
- Design and start conducting a UNHCR supervised and coordinated information campaign to reach out not only to the refugees, but also to governments, NGOs, the local population and the media.
- Consider enabling refugee representatives (women and men), accompanied by authorities and UNHCR to study the situation in the country of origin; if necessary and appropriate, facilitate visits to the refugees by community leaders or government authorities from the country of origin.
- Agree with the country of origin on the format of the VRF, registration guidelines and, as appropriate, a system for the computerization of VRF data.

## **(ii) In Countries of Origin**

- Establish workable mechanism for linking spontaneous repatriants to existing or anticipated UNHCR operations, for both protection and assistance considerations.
- Establish where necessary, reception centres/arrival points (location, size, infrastructure) and a system for onward movement to final destinations, bearing in mind distance, size of caseload, security and seasonal factors.
- Obtain agreement on entry and dispersal procedures, including immigration, health and customs formalities and duration of stay in reception centres.
- Undertake training activities geared to strengthen the capacity of local institutions (governmental and non-governmental) in the management and implementation of reception and post-repatriation programmes.
- Contact, and hold discussions with government departments and humanitarian organizations providing social welfare services to unaccompanied children and other particularly vulnerable groups.
- Establish a repatriation commission, ideally in the form of a tripartite commission.
- Conclude a repatriation agreement, ideally in the tripartite format, on the basis of the legal framework established by the tripartite (repatriation) commission.
- With the authorities, plan measures to sensitize and prepare the population particularly in the communities to which refugees will eventually be returning.
- Establish returnee monitoring systems and mechanisms.
- Initiate/complete repairs or rehabilitation of access roads and basic water and health services; preposition food and other items (e.g. seeds, tools, shelter material) which are required for returnee assistance programmes.

## **C. Activities in the Movement and Post-Arrival Phase**

### **(i) In Countries of Asylum**

- Under close UNHCR supervision, interview; counsel and register refugees who wish to repatriate; complete all necessary documentation. De-register departed repatriants.
- Establish a plan of action and procedures for dealing with possible new-arrivals; ensure that access to international protection remains available to those in need of it, be they returnees forced to flee their country of origin or first-time asylum-seekers.
- Agree upon and establish procedures for a possible residual caseload.
- Undertake all efforts to reduce vulnerability and to allow for the mainstreaming of the return of individuals already vulnerable.
- Make final assessment of routes of return; agree with all concerned and implement logistics and security arrangements for the movement; establish movement monitoring procedures.
- Develop a plan for the transfer of refugee camp facilities to the authorities concerned; make a plan for the future use/redeployment of all non-expendable property.

### **(ii) In Countries of Origin**

- Keep under review any political or physical constraints directly affecting the timing and rate of return movements (e.g. elections, the rate of spontaneous returns, food availability, progress on construction/rehabilitation of basic infrastructure, climatic conditions, prospect of violence).
- Ensure adequate availability of food and fuel stocks and preparedness of reception facilities, means of onward movement, and suitable arrangements at the destinations.
- Implement a system whereby the registration undertaken in the country of asylum (VRF) also benefits registration needs in the country of origin; implement a registration system for spontaneous repatriants. Use this to help ensure direct UNHCR access to all returnees in all parts of the country in order to monitor the consequences of their return.
- Implement returnee monitoring including effective UNHCR intervention with national authorities to redress any threats to the fundamental human rights and freedoms of returnees.
- Coordinate and implement assistance programmes for the initial reintegration of returnees and encourage other relevant organizations to establish medium and long-term reconstruction and development programmes.
- Ensure that UNHCR's protection and assistance programmes for returnees also extend, as may be agreed and appropriate, to internally displaced persons, demobilized soldiers and the needy local population in returnee communities.

## **CHECKLIST FOR COOPERATION WITH NGOS**

The following is a basic checklist from the UNHCR Voluntary Repatriation Training Manual for principles to observe in dealing with NGOs as part of a repatriation operation:

- Seek government clearance for NGO operations and their access to returnees. Make sure this is

included in tripartite agreements and memoranda of understanding.

- Involve NGOs at all stages of the operation, beginning with the needs assessment and planning stage. Make sure they are invited to any team building or training workshops that take place.
- Establish a mechanism for regular consultations, or better still adapt one that is already in place.
- Respect the independence of NGOs as implementing partners, and delegate authority accordingly; give a positive lead, but maintain a democratic and interactive process rather than simply imposing arrangements.
- In difficult security situations which commonly occur in repatriations, assist NGO implementing partners as far as possible with clearances, permits, telecommunications, transport, etc.
- Carefully plan the phase-out in the country of origin together with NGOs particularly if they are to provide reintegration assistance after UNHCR has left.
- Whenever possible, make use of the services and expertise of local NGOs; their knowledge of local conditions can provide invaluable help.

## **Annex 2. Executive Committee Conclusions 18 (XXXXI) and 40 (XXXVI)**

### **Annex 3. Regional Instruments**

#### **Africa**

The Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted in 1969 by the Organization of African Unity (OAU), is the regional complement to the 1951 Refugee Convention. The 1969 OAU Convention was the first and today remains the only international refugee instrument to formally elaborate the principles of voluntary repatriation. The Convention stresses the essentially voluntary character of repatriation and duties of countries of asylum and countries of origin to facilitate the return of refugees in safety. Its provision on voluntary repatriation (Article V) is reproduced in full below:

- "1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.*
- 2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation.*
- 3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.*
- 4. Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the OAU, inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being disturbed or punished, and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum.*
- 5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their*

*own initiative, shall be given every possible assistance by the country of asylum, the country of origin, voluntary agencies and intergovernmental organizations, to facilitate their return."*

Voluntary repatriation has subsequently been the subject of several Resolutions adopted by the OAU Council of Ministers. Also, the 1979 Arusha Conference on the Situation of Refugees in Africa appealed to "... all African Governments to consider making official public declarations of amnesty to their respective nationals currently in exile, so as to encourage their voluntary repatriation."

## **Latin America**

The 1984 Cartagena Declaration on Refugees pays particular attention to voluntary repatriation, affirming "the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety." It also stresses that refugees should preferably repatriate to the place of their residence, and that the reunification of families should be the basis for facilities granted in cases of voluntary repatriation.

The basic principles set out in the Cartagena Declaration on Refugees were further amplified in the Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees, and Displaced Persons, adopted by the International Conference on Central American Refugees (CIREFCA) in 1989. States represented there made specific commitments to respect and promote the following basic principles of voluntary repatriation:

- *the right of refugees to return to their country of origin;*
- *facilitation of refugees' choice in repatriation through provision of adequate information on the situation prevailing in their country of origin;*
- *the voluntary and individually-manifested character of repatriation;*
- *the need for repatriation to take place in conditions of security and dignity;*
- *no discrimination against returnees for having sought asylum;*
- *freedom of movement for returnees, including their right to choose their destination and place of residence in the country of origin;*
- *returnees' access to means of subsistence and to land;*
- *UNHCR's access to returnees, and*
- *citizenship for the foreign-born children of returnees, as well as for foreign spouses.*

## **Annex 4. Sample VRF**

This sample VRF is based on the principle to keep it simple and only request information needed for repatriation purposes on both sides of the border.

While this sample VRF is in English, the text will, of course, need to be translated into the official UN-language(s) in use in the countries of origin and asylum as well as, if possible and different from the

first, the language(s) spoken by the refugees.

The columns for "Intended Destination" are here stipulated as "District", "Admin. Post" and "Location". These may have to be adjusted according to the administrative structure applicable in the country of origin.

In the context of voluntary repatriation of individual cases, the addition of the following information will be helpful:

- Nationality
- Marital Status
- Columns for details on the travel document.

Also in the same context and provided that the repatriant will transit through one or more countries before reaching his home country, the following additional declaration may be useful:

"I also declare that I understand that my (and my dependants') voluntary repatriation will be directly to ..... without the possibility of remaining in any intermediate countries."

**UNHCR  
VOLUNTARY REPATRIATION FORM**



<b>Linked Cases:</b>

Family/Group No.:
-------------------

Address/Location in Camp:
---------------------------

Identity/Ration Card No.:
---------------------------

	Family Name	First Name	Sex	Y O B	Place of Birth	Relationship	Skills	Special Needs
01						PRA		
02								
03								
04								
05								
06								
07								
08								
09								

Intended Departure Date:	
--------------------------	--

Reception Centre:	
-------------------	--

Intended Destination:	
-----------------------	--

District

--

Admin. Post

--

Location

I, the undersigned principal applicant, declare that I (and my dependants) after due consideration wish to be repatriated to \_\_\_\_\_

Applicant: \_\_\_\_\_

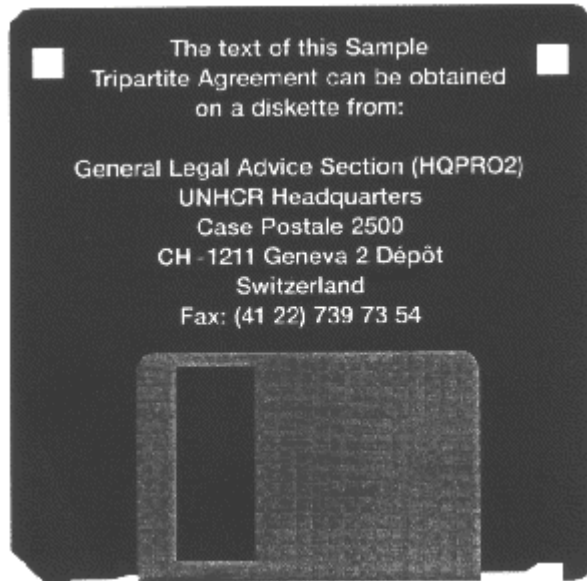
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Annex 5. Sample Tripartite Agreement**

Not all of the provisions included in this Sample Tripartite Agreement apply to every voluntary repatriation operation; likewise, certain situations may call for some additional elements. In certain situations, bipartite repatriation agreements/memoranda of understanding or even quadripartite agreements are suitable alternatives to the tripartite model. The model is, therefore, intended to serve as a flexible reference point from which a number of acceptable alternatives can be drawn.



## **SAMPLE VOLUNTARY REPATRIATION TRIPARTITE AGREEMENT**

The Government of (country of origin) and the Government of (country of asylum) (hereinafter referred to as "the Parties") and the United Nations High Commissioner for Refugees (hereinafter referred to as "the High Commissioner" or "UNHCR"),

(a) Recognizing that the right of all citizens to leave and to return to their country is a basic human right enshrined, inter alia, 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 the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation and integration in their country of origin;

(c) Recognizing that voluntary repatriation, where feasible, constitutes the preferred durable solution for the problems of refugees, and that the attainment of this solution requires that refugees shall be repatriated in conditions of safety and dignity;

(d) Noting that Conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the High Commissioner's Programme constitute internationally accepted principles and standards governing the voluntary repatriation of refugees;

(e) Recalling that the "Political Settlement" or "Peace Accord" signed between ..... and ..... has laid the foundation for achieving lasting peace, national unity, reconciliation and social and economic development in (country of origin);

(f) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and eventual reintegration in (country of origin) of ..... refugees in (country of asylum) with the assistance of the international community through UNHCR as may be supported, where appropriate, by other United Nations agencies and intergovernmental and non-governmental organizations;

***Have agreed as follows:***

## **ARTICLE 1**

### **Definitions**

For the purpose of this Agreement,

1. the term "refugee" shall mean any ..... citizen, (as defined in the (country of origin) Law on Nationality), who is living outside (country of origin) as a refugee in (country of asylum).
2. the term "returnee" shall mean any refugee as defined in sub-section 1. of this Article, who has voluntarily returned to (country of origin) pursuant to this Agreement.

## **ARTICLE 2**

### **Establishment of a Tripartite Commission**

A Commission for the Voluntary Repatriation of ..... Refugees from (country of asylum) is hereby established by the Parties and UNHCR.

## **ARTICLE 3**

### **Composition of the Commission**

1. The Commission shall comprise three members; each of the Parties and UNHCR shall designate a member.
2. Any Member of the Commission may be accompanied to its meetings by advisers.
3. Where a Member is unable to attend to any business of the Commission, that Member shall designate a substitute.

## **ARTICLE 4**

### **Role and Function of the Commission**

The Commission shall consider and agree upon or advise the Parties and UNHCR on such matters or measures as may be necessary to promote and implement the voluntary repatriation of ..... refugees from (country of asylum).

## **ARTICLE 5**

### **Meetings of the Commission**

1. Meetings of the Commission may be convened whenever necessary and at such venue as may be agreed upon.
2. The Commission shall adopt its own Rules of Procedure.



## **ARTICLE 6**

### **Ad Hoc Tripartite Arrangements/Liaison Officers**

The Parties shall designate Liaison Officers at their respective Embassies in (capital of country of origin) and (capital of country of asylum) with powers to deal with unforeseen operational issues on an ad hoc basis.

## **ARTICLE 7**

### **Voluntary Character of Repatriation**

The Parties and UNHCR hereby reaffirm that the repatriation of ..... refugees in (country of asylum) shall only take place at their freely expressed wish based on their full knowledge of the facts. Accordingly, the status of those ..... refugees who decide not to avail themselves of the voluntary repatriation programme under this Agreement shall continue to be governed by the relevant international protection principles and standards.

## **ARTICLE 8**

### **Freedom of Choice of Destination**

The Parties and UNHCR reiterate that the refugees shall be free to return to, and settle in, their former places of residence or any other places of their choice within (country of origin).

## **ARTICLE 9**

### **Return in Safety and with Dignity**

1. The Parties and UNHCR agree that the voluntary repatriation of ..... refugees under this Agreement shall take place only when there exist conditions conducive to their return in safety and with dignity to places of final destination in (country of origin).
2. Whereas the Government of (country of asylum) shall retain responsibility for the safety and security of the repatriating refugees while on the territory of (country of asylum) including in camps, staging areas and during convoy movements en route to the designated border crossing points, the Government of (country of origin) shall be responsible for the safety and security of the returnees once within the territory of (country of origin).

## **ARTICLE 10**

### **Assurances upon Return**

1. The Government of (country of origin) shall issue, together with other relevant parties, general amnesties, formal guarantees or public assurances to encourage the refugees to voluntarily 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 (country of origin).
2. The returnees shall benefit from the relevant provisions of any amnesty or clemency laws in force in

(country of origin).

3. The Government of (country of origin) shall ensure that returnees have access to land for settlement and use, in accordance with the relevant national laws.

4. The Government of (country of origin) 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 11**

### **Juridical Status and Equivalency**

The Government of (country of origin) shall, accord recognition to all legal status of ..... refugees repatriating from (country of asylum), including births, deaths, adoptions, marriage and divorce. The Government of (country of origin) shall also seek to accord recognition, as appropriate, to the equivalency of academic and vocational skills, diplomas and certificates obtained by the refugees while in (country of asylum).

## **ARTICLE 12**

### **UNHCR's Supervisory Role**

UNHCR's leading role in promoting, facilitating and coordinating voluntary repatriation of refugees in order to ensure that repatriation is voluntary and carried out in conditions of safety and dignity shall be fully respected by the Parties.

## **ARTICLE 13**

### **UNHCR Access to Refugees and Returnees**

1. In order to be able to carry out effectively its international protection and assistance functions, UNHCR shall be granted free and unhindered access to all ..... refugees in (country of asylum) and to all returnees wherever they may be located in (country of origin). Likewise, all refugees and returnees shall be granted free and unhindered access to UNHCR.

2. The Government of (country of origin) shall, in particular, extend full cooperation to UNHCR to allow UNHCR to monitor the treatment of returning refugees in accordance with humanitarian and human rights standards, including the implementation of the commitments contained in this Agreement.

3. In order to enable UNHCR to carry out its monitoring functions in accordance with sub-sections 1. and 2. of this Article, the Government of (country of origin) shall inform UNHCR about every case of arrest, detention and legal proceedings involving returnees and 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, extend to inter-governmental or non-governmental organizations with which UNHCR, in consultation with the Parties, may enter into agreements for the implementation of one or more components of the repatriation operation contemplated under this Agreement.

## **ARTICLE 14**

## **Spontaneous Return**

The Parties and UNHCR hereby recognize, as a matter of principle, that all assurances, guarantees and other provisions set out in this Agreement and which govern the voluntary repatriation of ..... refugees from (country of asylum) shall also apply to those ..... refugees who may return to (country of origin) by their own means.

### **ARTICLE 15**

#### **Information and Sensitization Campaign**

1. UNHCR shall, in cooperation with the Parties, organize a campaign to provide the refugees with objective and accurate information relevant to their repatriation and reintegration in (country of origin) so that the refugees shall be able to make the decision to repatriate in full knowledge of the facts.
2. The Government of (country of origin) 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 refugees shall be repatriating.

### **ARTICLE 16**

#### **Fact-finding Visits by Refugee Representatives**

The Parties and UNHCR shall, as appropriate and necessary, facilitate visits to (country of origin) by representatives from a cross-section of the refugee population in (country of asylum) for the purposes of acquainting themselves with the situation prevailing in their intended areas of return and reporting thereon to ..... refugees in (country of asylum). These refugee representatives shall then be permitted to return to (country of asylum).

### **ARTICLE 17**

#### **Registration and Documentation**

1. Pursuant to its mandated responsibility to ensure the voluntary character of the decision to return, UNHCR shall, in consultation with the Parties, devise the most appropriate means for the interviewing and registration by UNHCR of ..... refugees in (country of asylum) who wish to repatriate.
2. Duly completed Voluntary Repatriation Forms (VRFs), the format of which shall be mutually agreed upon by the Parties and UNHCR, shall be recognized by the Parties as valid identity documents in (country of asylum) and (country of origin) and as travel documents for the purpose of the refugees' return to their final destinations in (country of origin).

### **ARTICLE 18**

#### **Preservation of Family Unity**

1. In accordance with the principle of family unity, UNHCR, in cooperation with the Parties, shall make every effort to ensure that refugee families are repatriated as units. Where such efforts fail, a mechanism shall be established for their reunification in (country of origin).

2. In order to preserve the unity of the family, spouses and/or children of repatriating refugees who are themselves not citizens of (country of origin) shall be allowed to enter and remain in (country of origin). The principle established herein shall also apply to non-..... spouses as well as children of deceased ..... refugees who may wish to enter and remain in (country of origin) to preserve family links.

## **ARTICLE 19**

### **Special Measures for Vulnerable Groups**

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

## **ARTICLE 20**

### **Transfer of Criminals**

The Parties agree that ..... refugees who have committed serious non-political offences in (country of asylum) and who have been tried and convicted shall be transferred to (country of origin), if they so wish. The Parties and UNHCR shall cooperate with each other to ensure that appropriate arrangements are made for their transport and hand-over.

## **ARTICLE 21**

### **Designated Border Crossing Points**

The Parties and UNHCR shall agree on border crossing points for organized voluntary repatriation movements. Such agreement may be modified to better suit operational requirements.

## **ARTICLE 22**

### **Immigration, Customs and Health Formalities**

1. To ensure the expeditious return of refugees and their belongings, the Parties shall waive their respective immigration, customs and health formalities usually carried out at border crossing points.
2. Refugees' personal or communal property, including livestock, shall be exempted from all customs duties, charges and tariffs.
3. [If applicable] The Parties shall also waive any fees as well as road or other taxes for vehicles entering or transiting their respective territories under the auspices of UNHCR for the repatriation operation.

## **ARTICLE 23**

### **Movement and Security of UNHCR Staff and Resources**

1. The Parties shall facilitate the movement of staff and personnel of UNHCR and of its implementing partners as well as vehicles, relief goods and equipment used in the operation into, within and out of (country of asylum) and (country of origin). In particular, they shall authorize UNHCR to issue two-way

cross-border travel authorizations, the format of which shall be mutually agreed upon by the Parties and UNHCR, to such staff and personnel for the duration of the repatriation operation.

2. The Parties shall take all appropriate steps to ensure the security and safety of UNHCR staff and all other personnel engaged in the repatriation operation provided for under this Agreement.

## **ARTICLE 24**

### **Relief Goods, Materials and Equipment**

1. The High Commissioner shall use her/his best endeavours to obtain the resources required from the international community to carry out the repatriation operation and implement reintegration activities in (country of origin).

2. The Parties shall exempt from the relevant Government taxes, duties and levies all relief goods, materials, equipment and means of transport destined for use in the repatriation and reintegration operation. The Parties shall expedite the clearance and handling of such resources.

3. The Parties hereby authorize UNHCR to use UN communications equipment, frequencies and networks and shall, 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.

## **ARTICLE 25**

### **UNHCR Field Offices**

UNHCR may, whenever required for the purpose of a more effective discharge of its responsibilities under this Agreement, establish Field Offices at locations to be agreed with the Government concerned.

## **ARTICLE 26**

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

This Agreement shall not affect the validity of any existing agreements, arrangements or mechanisms of cooperation between the Parties and UNHCR. To the extent necessary or applicable, such agreements, arrangements or mechanisms may be relied upon and applied as if they formed part of this Agreement to assist in the pursuit of the objectives of this Agreement, namely the voluntary repatriation and reintegration of ..... refugees.

## **ARTICLE 27**

### **Resolution of Disputes**

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

## **ARTICLE 28**

## **Entry into Force**

This Agreement shall enter into force upon signature by the Parties and UNHCR.

## **ARTICLE 29 Amendment**

This Agreement may be amended by mutual agreement in writing between the Parties and UNHCR.

## **ARTICLE 30 Termination**

This Agreement shall remain in force until it is terminated by mutual agreement between the Parties and UNHCR.

---

In witness whereof, the authorized representatives of the Parties and UNHCR have hereby signed this Agreement.

DONE at ....., this ..... day of ..... 19 ....., in three originals, in the ..... language(s), the English version being authoritative for interpretation purposes.

For the Government of (country of asylum)

For the Government of (country of origin)

For the United Nations High Commissioner for Refugees

### ***Annex 6. Sample Declaration of Amnesties and Guarantees***

Such declarations will be subject to complex political considerations by the government of the country of origin as well as possibly other parties to a conflict and will therefore need to be carefully tailored to the specifics of a given situation. The model below, therefore, needs to be viewed with this reservation. As applicable and appropriate, all parties to a conflict may be encouraged to issue such declarations jointly, in order to maximize its confidence-building value among the refugees. Since such declarations are likely to be translated into several (vernacular) languages the refugees speak, the phrasing should be kept as simple as possible.

## **SAMPLE DECLARATION OF AMNESTIES AND GUARANTEES**

The Government of (country of origin) and (if applicable, the other party/parties to a conflict),

Confident that the "Political Settlement" or "Peace Accord" signed between ..... and ..... has created conditions for a lasting peace, stability and social and economic progress in (country of origin);

Underlining the right and freedom of all ..... living outside their country as refugees to return home to their places of habitual residence or to establish residence in any part of the country, and to participate, along with all other ....., in the process of national reconciliation and consolidation of peace, democracy and social development;

Desirous to take further confidence-building measures to promote the expeditious voluntary return and reintegration of ..... refugees in safety and with dignity;

Hereby,

1. Call upon, invite and encourage all ..... refugees to return to their country and to settle in a place of their choice in any part of the country and to participate fully in the process of national reconciliation, reconstruction, consolidation of peace, democracy and social and economic development;

2. Declare the following:

### **Return in Safety and with Dignity**

(a) The voluntary repatriation and reintegration shall take place in conditions of safety and dignity, as established in internationally recognized principles.

(b) No returnee shall suffer any form of harassment, intimidation, discrimination, persecution or any other form of punitive action on account of having fled (country of origin) and having sought and found refuge in (country of asylum).

(c) No returnee shall be subject to harassment, intimidation, discrimination or persecution for reasons of race, religion, nationality, membership of a particular social group, political opinion or gender.

### **Amnesty**

(d) All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offences committed for whatever reason prior to, or in, exile. This includes inter alia having left (country of origin) and having found refuge in (country of asylum), draft evasion and desertion as well as the act of performing military service in internationally non-recognized armed forces. [clearly defined exclusions may be necessary to address specific situations, e.g. serious violations of international humanitarian law, acts of genocide]

### **Respect for Human Rights**

(e) In common with all other citizens, the human rights and fundamental freedoms of returnees will be accorded full respect.

### **Returnee Monitoring**

(f) UNHCR and [other international agencies as appropriate] will be allowed and will receive full cooperation and access to monitor the treatment of returnees in accordance with humanitarian and human rights standards, including the implementation of commitments contained in this Declaration.

**Access to Land**

(g) Returnees will have access to land for settlement and agricultural use in accordance with (country of origin) laws.

**Property**

(h) All measures will be taken to facilitate, to the extent possible, the recovery and restitution to the returnees of their land or other immovable or movable property which they may have lost or left behind. Failing this, returnees will be assisted to obtain reparation for loss of such property.

**Military and other Obligatory Service**

(i) In order to support their reintegration, returnees will be exempted from any outstanding military service or other obligatory service for the period of one year. Positive consideration will be given to requests for a complete exemption from military or other service obligations.

Date .....

Signatures .....

***Annex 7. Sample Cross-Border Travel Authorization***





**CROSS-BORDER TRAVEL AUTHORIZATION**  
**AUTORIZACAO PARA ATRAVESSAR A FRONTEIRA**

Passport-size  
photograph  
(to be stamped)  
*Fotografia  
tipo passe  
(a ser carimbada)*

**Serial Number/Serie: \*\*\*A0000/95\*\***

According to Article 14 of the Tripartite Agreement between the Government of the Republic of Mozambique, the Government of Zimbabwe and the United Nations High Commissioner for Refugees for the Voluntary Repatriation of Mozambican Refugees from Zimbabwe of 22 March 1993 and as further agreed by the Government of the Republic of Mozambique and the Government of Zimbabwe, the holder of this document

*Em conformidade com o artigo 14 do Acordo Tripartidario entre o governo da Republicade Mocambique, O Governo do Zimbabwe e o Alto Comissariado das Nacoes Unidas Para os Refugiados no ambito do Repatriamento Voluntario de Refugiados Mocambicanos apartir do Zimbabwe de 22 de Marco de 1993 e conforme acordado pelo Governo da Republica de Mocambique e o Governo do Zimbabwe, o portador deste documento*

Family Name/  
*Apeido:* \_\_\_\_\_

First Name/  
*Nome:* \_\_\_\_\_

Date of Birth/  
*Data de Nascimento:* \_\_\_\_\_

Place of Birth/  
*Local de Nascimento:* \_\_\_\_\_

Nationality/  
*Nacionalidade:* \_\_\_\_\_

Organisation/  
*Organizacao:* \_\_\_\_\_

Professional Title/  
*Titulo Profissional:* \_\_\_\_\_

is hereby authorized to travel from Zimbabwe to Mozambique and vice versa on official travel in connection with the voluntary repatriation of Mozambican refugees from Zimbabwe.

*e por meio deste autorizado a viajar de Zimbabwe para Mocambique e vice-versa em viagem oficial em relacao ao repatriamento voluntario dos refugiados Mocambicanos a partir do Zimbabwe.*

The holder of this authorization may cross the Zimbabwean/Mozambican border at the border crossing points designated for this operation as often as required for the performance of his/her official duties in conjunction with the voluntary repatriation operation during the period

*O portador desta Autorizacao podera atravessar a fronteira Zimbabwe/Mocambique nos pontos fronteiricos de travessia designados para esta operacao sempre que for necessario, para a execucao das suas tarefas oficiais em conexao com as operacoes do repatriamento voluntario durante o periodo*

from/de \_\_\_\_\_

to/a \_\_\_\_\_

This authorization exempts the holder from any other requirement of holding a travel document and visa.

*Esta autorizacao dispensa o portador de quaisquer outros requisitos tais como possuir um documento de viagem e visa.*

Date of Issuance/*Data de Emissao* \_\_\_\_\_

Place of Issuance/*Local de Emissao* \_\_\_\_\_

Issuing UN Official/*Emissor Oficial das NU* \_\_\_\_\_

**Annex 8. PARinAC Oslo Conclusions on Voluntary Repatriation**

*The "Oslo Declaration and Plan of Action" which emanated from the global NGO and UNHCR conference in June 1994 encompassed nine recommendations specific to voluntary repatriation.*

*The specific recommendations are as follows:*

### **Recommendation 23**

UNHCR and NGOs should establish repatriation committees involving NGOs, UNHCR, and refugee representatives in the countries of origin and of asylum, to facilitate efforts of voluntary repatriation, and should designate focal points to liaise with these committees. Development agencies should be involved at the earliest possible stage to prepare for the transition from relief to development in consultation with representatives of refugee and refugee organizations.

### **Recommendation 24**

UNHCR and NGOs should develop databases on: (i) the population profile of returnees and (ii) the actual situation in the country of origin. This information should be shared with international organizations, NGO partners, and refugee/returnees in countries of origin and of asylum, with a view particularly to identifying any Extremely Vulnerable Individuals. UNHCR should identify a lead agency under whose umbrella the repatriation of such vulnerable individuals would be funded, carried out and/or coordinated in conjunction with local NGOs in the country of origin. UNHCR should also supply information on conditions in the country for refugee status determination purposes that is as complete as possible, while NGOs should make every effort to access such information.

### **Recommendation 25**

UNHCR and NGOs should develop an information campaign to provide balanced information exchange with refugees, profiting from their knowledge of their country of origin. Specific fears of refugees should be investigated and answered as part of an assessment of the situation in the country of origin. When planning for and carrying out repatriation programmes, UNHCR should seek information from NGOs well established in such countries and knowledgeable of the political and security situation, state of national infrastructures and local conditions. In addition, a mechanism for comprehensive monitoring of returnees and ascertaining the viability of involving local NGOs should be established by UNHCR with NGO cooperation as early as possible.

### **Recommendation 26**

UNHCR should distribute widely among NGOs the UNHCR Guidelines on Voluntary Repatriation, share information with NGOs on planned and/or on-going repatriation programmes, and involve NGOs and prospective repatriates in the actual planning and implementation of repatriation programmes.

### **Recommendation 27**

Where appropriate, UNHCR should clearly identify lead implementing agencies in repatriation operations, and ensure in consultation with the repatriation committees that criteria for voluntariness are met and that conditions of safety and dignity prevail.

### **Recommendation 28**

UNHCR and NGOs should view education of refugee children within the terms of durable solutions, and such programmes should be undertaken in a culturally sensitive way, bearing in mind their eventual return, reintegration, and/or resettlement. UNHCR and NGOs should also work toward increased education of adolescent girls through culturally appropriate modes of instruction and by gaining family support for female education. More informal ways of meeting the education needs of refugee children to prepare them for reintegration upon return should be explored. A particular focus should be given to self-sufficiency projects for female-headed households, as well as households where the primary

care-taker/wage earner is disabled.

### **Recommendation 29**

UNHCR and NGOs should ascertain the profile of potential residual caseloads as early as possible in order to design effective and culturally sensitive counselling programmes and to explore possible alternatives to repatriation, if needed. They should cooperate in the provision of counselling of returnees, both before and after return, and agree upon common, minimum humanitarian standards for phasing down or eliminating services in refugee camps, as well as on minimum standards for services and protection in countries of origin, as repatriation takes place.

### **Recommendation 30**

Considering that anti-personnel landmines are a daily and serious life-threatening danger in many countries to which refugees are fleeing and/or returning, UNHCR and NGOs should: (a) continue to promote the establishment and international financing of humanitarian landmine clearance and eradication programmes, as well as victim assistance and rehabilitation programmes; and (b) continue actively to support on-going international campaigns calling for an international ban on the production, distribution and use of landmines.

### **Recommendation 31**

In situations of internal armed conflict, UNHCR and NGOs, in consultation with refugee populations, should cooperate in monitoring the situation and consult as to when organized voluntary repatriation would be feasible, in accordance with international standards. They should also monitor closely any signs of recurring military activity or human rights abuses which could possibly affect returnees. In these situations, UNHCR and NGOs should balance the various factors and risks - in coordination with governments concerned - in considering facilitation or promotion of voluntary repatriation and return to home areas.

## ***Annex 9. Other Relevant UNHCR Guidelines, Policy and Training Modules***

### **VOLUNTARY REPATRIATION:**

Voluntary Repatriation. Training Module. 2nd Edition. UNHCR Geneva, December 1993

### **INTERNATIONAL PROTECTION:**

Introduction to International Protection. UNHCR Geneva EMTP

Protection of Refugees in Emergencies. UNHCR Geneva EMTP

### **DETERMINING REFUGEE STATUS:**

Handbook on Procedures and Criteria for Determining Refugee Status.

UNHCR Geneva, Reedited January 1992

Determination of Refugee Status. Training Module. UNHCR Geneva, 1995 (RLD2)

Interpreting in a Refugee Context. Training Module. UNHCR Geneva, June 1993 (RLD3)

Interviewing Applicants for Refugee Status. Training Module. UNHCR Geneva, 1995 (RLD 4)

### **EMERGENCY MANAGEMENT:**

UNHCR Handbook for Emergencies. UNHCR Geneva, December 1982

### **HUMAN RIGHTS:**

Human Rights and Refugee Protection. Part 1: General Introduction. Training Module. UNHCR Geneva, October 1995

Human Rights and Refugee Protection. Part 2: Specific Issues. Training Module. UNHCR Geneva, 1996

### **SECURITY:**

Guidelines on Security Incidents. Sample Indicators and Scenarios. 2nd Edition. UNHCR Geneva, December 1992

Security Recommendations. UNHCR Geneva, 1995

### **CHILDREN:**

UNHCR Policy on Refugee Children. UNHCR Geneva, August 1993

Refugee Children. Guidelines on Protection and Care. UNHCR Geneva, 1994

Evacuation of Children From Conflict Areas. Considerations and Guidelines. UNHCR and UNICEF, December 1992

Working with Unaccompanied Minors in the Community. UNHCR Geneva, 1994

### **WOMEN:**

UNHCR Policy on Refugee Women. UNHCR Geneva, 1990

Guidelines on the Protection of Refugee Women. UNHCR Geneva, July 1991

Sexual Violence against Refugees. Guidelines on Prevention and Response. UNHCR Geneva, 1995

A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff. Draft. UNHCR Geneva, 1996

### **VULNERABLE GROUPS:**

UNHCR Guidelines on Assistance to Disabled Refugees. UNHCR Geneva, 1992

Guidelines on Evaluation and Care of Victims of Trauma and Violence. UNHCR Geneva, 1995

### **INTERNALLY DISPLACED PERSONS:**

UNHCR's Operational Experience with Internally Displaced Persons. UNHCR Geneva, September 1994

## **REGISTRATION:**

Registration - A Practical Guide for Field Staff. UNHCR Geneva, May 1994

## **RESETTLEMENT:**

Resettlement Guidelines. UNHCR Geneva, March 1991

## **MINE AWARENESS:**

Mineawareness Instructor Training (MAI-Training). UNHCR Geneva, September 1994

## **EDUCATION:**

Revised (1995) Guidelines for Educational Assistance to Refugees. UNHCR Geneva, June 1995

## **PEOPLE ORIENTED PLANNING:**

A Framework for People Oriented Planning in Refugee Situations. Taking Account of Women, Men and Children. UNHCR Geneva, December 1992

People Oriented Planning at Work. Using POP to Improve UNHCR Programming. UNHCR Geneva, December 1994

## **QUICK IMPACT PROJECTS:**

Policy & Methodological Framework for Quick Impact Projects (QIPs) as a means of facilitating durable solutions through integration. UNHCR Geneva, 30 June 1994

## **WORKING WITH THE MILITARY:**

A UNHCR Handbook for the Military in Humanitarian Operations. UNHCR Geneva, September 1995

Working with the Military. Training Module. UNHCR Geneva, January 1995

## **PUBLIC INFORMATION:**

Dealing with the Media. Public Information Note

## **UNHCR/NGO PARTNERSHIP:**

UNHCR/NGO Partnership. Reference Document on Relationship between UNHCR & NGOs: Results of the 1991 Worldwide Joint Consultations. UNHCR Geneva, February 1992

PARinAC Oslo Declaration and Plan of Action. 1994

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## **TO OBTAIN THESE DOCUMENTS**

To obtain any of the above reference materials, please contact the nearest UNHCR office or write to:

**UNHCR**  
Case Postale 2500  
CH-1211 Geneva  
Switzerland.

For further bibliographic information or other reference materials on voluntary repatriation, please consult the CDR Databases, which in the future will also contain some of the above-mentioned Guidelines, Policy and Training Manuals.

### ***LIST OF ABBREVIATIONS***

<b>Art.</b>	Article
<b>CDR</b>	UNHCR Refugee Documentation Center
<b>CIREFCA</b>	International Conference on Central American Refugees
<b>DHA</b>	United Nations Department of Humanitarian Affairs
<b>ECOSOC</b>	United Nations Economic and Social Council
<b>GA</b>	United Nations General Assembly
<b>GTZ</b>	Deutsche Gesellschaft fuer Technische Zusammenarbeit (German Technical Cooperation)
<b>HF</b>	High Frequency (Radio)
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
<b>IC</b>	Individual Case (refugee)
<b>ICRC</b>	International Committee of the Red Cross

<b>IOM</b>	International Organization for Migration
<b>IOM/FOM</b>	Inter-Office Memorandum/Field Office Memorandum sent by UNHCR Headquarters
<b>MAC</b>	Mine Awareness Campaign
<b>NGO</b>	Non-Governmental Organization
<b>OAU</b>	Organization of African Unity
<b>PARinAC</b>	UNHCR/NGO Partnership in Action
<b>POP</b>	People-Oriented Planning
<b>QIP(s)</b>	Quick Impact Project(s)
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNDP</b>	United Nations Development Programme
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees
<b>VHF</b>	Very High Frequency (Radio)
<b>VRAF</b>	Voluntary Repatriation Application Form
<b>VRF</b>	Voluntary Repatriation Form

## **Endnotes**

1. See, for example, Resolutions 538 (VI) of 02 February 1952; 925 (X) of 25 October 1955; 1166 (XII) of 26 November 1957; 1285 (XIII) of 05 December 1958; and 1388 (XIV) of 20 November 1959

2: Of 18 December 1961 concerning Refugees from Algeria in Morocco and Tunisia

3: Among the latest Resolutions see, for example, Res. 40/118 of 13 December 1985; 42/109 of 07 December 1987; 42/128 of 07 December 1987; 44/137 of 15 December 1989