

**LETTER OF UNDERSTANDING ON THE RETURN AND RE-INTEGRATION OF  
INTERNALLY DISPLACED PERSONS (IDPs) IN AFGHANISTAN**

**Between**

**MINISTRY FOR REFUGEES AND REPATRIATION OF THE ISLAMIC  
TRANSITIONAL STATE OF AFGHANISTAN  
(MoRR)**

**And**

**THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR  
REFUGEES (UNHCR)**

**And**

**THE INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)**

- 1) This country-specific Letter of Understanding (LoU) is concluded within the framework of the Memorandum of Understanding between the United Nations High Commissioner for Refugees and the International Organization for Migration of 15 May 1997 and its addendum (hereafter referred to as "the MoU") and the Terms of Reference (ToR) of the Consultative Group (CG) 1 under the Afghan National Development Budget (attached) and in line with the UNOCHA Guiding principles on Internal Displacement.
- 2) The LoU sets out the general framework with regard to the return and initial re-integration activities for Internally Displaced People (IDPs) by UNHCR/ Afghanistan and IOM/Afghanistan under the umbrella of MoRR and within the TOR of the Consultative Group 1 (chaired by MoRR and for which UNHCR is the focal point agency). This LoU shall also provide guidance to the staff of UNHCR and IOM in the field for further arrangements regarding their co-operation.
- 3) The provisions contained in this LoU supersede any earlier LoUs signed by IOM/ AFG and UNHCR/ AFG regarding IDPs.
- 4) Taking into account the mandate and expertise of the parties, it is agreed to cooperate as follows for the return of IDPs and their reintegration:
  - a) In line with the TOR of CG1, MoRR as representing the Transitional Islamic State of Afghanistan assumes the overall responsibility for IDPs and their voluntary return in Afghanistan and advocates voluntary return where living and security conditions are deemed acceptable. UNHCR assumes primary responsibility for the provision and coordination of protection and assistance and the initiation of longer-term solutions with development actors. MoRR and UNHCR will monitor the security for returns and clear voluntary return movements. In accordance with the TOR of CG 1, MoRR and UNHCR determine who qualifies as IDP and together with IOM assume the overall responsibility for the facilitation of return. In situations where IOM according to its constitution considers the definition of IDPs questionable, a consultative process will be established with MoRR, UNCHR and IOM with the aim to reach a mutually agreed conclusion.

- b) At the request of the Transitional Islamic State of Afghanistan represented by the MoRR and in close coordination with UNHCR, IOM will assist returning IDPs with transportation and distribute returnee assistance (re-integration package as agreed in Annex 1. UNHCR and MoRR, who are projecting up to 90,000 IDPs assisted returns in 2004, will monitor the living and security conditions of the returnees at the places of origin before return movements will take place and intervene where appropriate with the relevant actors. After this UNHCR and MoRR will clear the return movements within a mutually agreed timeframe. Any party to this agreement is able to make an independent decision to not take part in a planned movement, given that all other parties are duly informed in a timely manner well before the movement. The Re-integration unit of the Ministry for Rural Rehabilitation and Development (MRRD), the PMAs (Provincial Management Advisors) and the IDP re-integration advisors (where available) will coordinate the longer-term re-integration activities.
  - c) The return of all IDPs is entirely voluntary and will be carried out in a manner, which ensures the safety and dignity of IDP voluntary returnees. UNHCR and MoRR ensure that IDPs have accurate knowledge on the security and living conditions in the areas of return by organizing go and see visits and regularly disseminating Mass Information. By doing so, IDPs can make an informed decision and assume the responsibility on whether to remain in displacement or return to their areas of origin. UNHCR/MoRR/IOM will ensure that IDPs are registered before departure and sign a declaration confirming the voluntary character of their return.
  - d) IOM will establish the most suitable travel arrangements including route and transit arrangements. Special arrangements will be made for returnees with special needs (sick, elderly, etc.). It is agreed that IOM and UNHCR transit centres will be made available for the return of IDPs. At the regular coordination meetings between MoRR, IOM and UNHCR, the parties will discuss the most suitable route and transit arrangements.
  - e) Monitoring of refugee and IDP returnees and their protection is a mandated responsibility of UNHCR and is carried out in collaboration with MoRR, the Afghan Independent Human Rights Commission (AIHRC) and other partners. Monitoring of the re-integration activities and conditions will be carried out with a larger number of partners including IOM. UNHCR, IOM and MoRR will exchange their findings to assist all relevant actors in the planning of their re-integration programmes. IOM will share with UNHCR and MoRR protection issues that come to its attention.
  - f) IOM, UNHCR and MoRR will share information on returnees with each other and exchange data based on an agreed format and frequency. Regular meetings will be held at the national and regional level to review the data management of IDPs.
  - g) IOM and UNHCR with the support of other agencies will mobilize the re-integration package. Re-integration activities are to be carried out in line with the plan of the Transitional Islamic State of Afghanistan for longer term solutions of IDPs and will be coordinated with CG4 and CG1 and the re-integration task forces establish at the provincial levels.
- 5) IOM and UNHCR will be responsible for the mobilization of their own resources to support the activities described in this LoU under the National Development Budget (NDB) (CG1)

mechanism. IOM and UNHCR will contribute to the above activities as resources allow. As provided for in the Global MOU, if UNHCR or IOM experience a shortage of resources to carry out these activities, joint consultations will take place to find a commonly agreed solution to the problem.

6) This LoU will enter into force upon signature by all parties.

7) This LoU may be modified in writing and has to be accepted by all parties.

8) Either party may, by giving written notice to the other parties, terminate this LoU. The LoU is to be terminated 90 days after the receipt of the notice by the other parties.

9) Any dispute arising out of this LoU shall be settled through consultation between MoRR, UNHCR/Afghanistan and IOM/Afghanistan in accordance with their respective obligation under this LoU. Disputes between IOM and UNHCR shall be resolved in keeping with the relevant resolutions and decisions of UNHCR's and IOM's respective governing bodies. Any dispute controversy or claim between IOM and UNHCR, which is not settled within thirty days at the field level, shall be referred to the Executive Heads of both parties.

10) Nothing in the LoU shall be deemed as an express or implied waiver of the privileges and immunities set out in the 1946 Convention on the Privileges and Immunities of the United Nations, of which UNHCR as an integral part, and of the privileges and immunities enjoyed by IOM.

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Title:  
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UNHCR Afahanistan

MoRR Afghanistan

IOM Afghanistan

Signature:

Signature:

Signature:

Date:

Date:

Date: