

Terms of Reference (TOR) for the Joint Working Group on the Repatriation of Displaced Myanmar Residents from Bangladesh

The Government of the People's Republic of Bangladesh and the Government of the Republic of the Union of Myanmar, hereinafter referred to as "Parties", have agreed to establish a Joint Working Group (JWG), with the nominated representatives of the two countries, to oversee all aspects of return of verified Myanmar residents from Rakhine State who have taken shelter in Bangladesh following the terrorist attacks on 9 October 2016 and 25 August 2017 and their integration into Myanmar society.

The primary objective of the JWG is to implement expeditiously "Arrangement on Return of Displaced Persons from Rakhine State" signed on 23rd November 2017 between Bangladesh and Myanmar.

The agreed Terms of Reference (TOR) of the JWG are as under.

1. The JWG shall be responsible for smooth conduct of return of displaced Myanmar residents from Rakhine State and their reintegration. The JWG shall take the necessary decisions, through a consultative and consensus building process, and realize them based on the "Arrangement on Return of Displaced Persons from Rakhine State" signed between the Parties on 23 November 2017.
2. The work of the JWG shall follow the general principles, policy aspects and modalities as stated in the "Arrangement". In order to realize its mandate, the JWG may refer to experiences of past repatriation and use those practices and decisions with necessary amendments to respond to present challenges and realities and in this context, factor in decisions of the Joint Statement (1992) and relevant Senior Officials Meetings in the post-1992 period.
3. It shall develop a specific instrument on the physical arrangement for the repatriation of returnees on a speedy manner, which would include *inter-alia*, mechanism for verification, time schedule, transport and logistic arrangements, reception centres and procedures, forms to be filled up by prospective returnees, communications system, return or repatriation assistance. It may undertake field visits to see the conditions for voluntary and sustainable return, appreciate difficulties to address them for smooth conduct of return with the consent of the other Party.

4. The JWG may develop further instrument(s), if so needed for successful completion of return. The JWG shall prepare the draft of the said instrument(s) which will be sent to the Parties for consideration and action. The JWG may form "Technical Working Groups" to assist it in specific aspects of return. These groups may meet as often as required as decided by the JWG at the field level and visit the other side of the border to assess the ground situation and recommend possible solutions to the JWG.

5. The JWG may request the Parties to facilitate its work by seeking support from others, such as calling for meetings between the Border Guard Police of Myanmar (BGP) and the Border Guard Bangladesh (BGB), the Immigration and Drug Enforcement Officials.

6. The JWG shall endeavor to resolve disagreements among themselves in an expeditious manner. In the event there is an unresolved matter, it will be referred to the Parties, which shall resolve this within three months.

7. The JWG shall involve the UNHCR and other mandated UN agencies and interested international partners as has been agreed in the Arrangement namely, that they would be invited to take part, as appropriate, in various stages of return, resettlement and reintegration, and to assist returnees to carry on life and livelihood as members of Myanmar society.

JWG meetings

8. The nominated members of the JWG will meet, as many times as necessary, to ensure that all mandates set out in the Terms of Reference are duly completed and implemented. The JWG may meet in full strength or in part and may co-opt members and invite observers from the relevant authorities. Each side may inform the other if their membership of the JWG is to be enlarged.

A Member of the JWG may be accompanied to its meetings by advisers and assistants employed by each party with prior notification. Where a Member is unable to attend the meeting, the relevant Party shall designate a substitute by giving written notification to the other party, in advance of the meeting.

9. The JWG shall duly minute and file meeting reports for record, institutional memory and follow up.
10. The meeting venue will generally alternate between the two countries.
11. The JWG will work towards ensuring efficiency in the implementation of their work. Electronic communication and video conferences are also encouraged.

Other Provisions

12. The JWG shall ensure commencement of the process of return within two months of the signing of the "Arrangement" and be completed within a reasonable time from the date the first batch of returnees is received.
13. The Government of the Republic of the Union of Myanmar and the Government of the People's Republic of Bangladesh may designate Liaison Officer and/or Focal Point in both countries to coordinate on unforeseen operational issues on an ad-hoc basis.
14. The Parties shall assist the JWG by furnishing all relevant information, data and documents, including past and present family/household lists, promptly to the JWG to enable it to consider them and arrive at appropriate decisions within the intended time. It may use other relevant information or data generated by, and available with, relevant UN agencies, as and when necessary.
15. Due to the need for cross-border communications in repatriation, the JWG Members will ensure timely communication with each other and maintain a focal point.
16. The importance of true and accurate information is key to voluntary, safe and sustainable repatriation. The JWG will provide objective and accurate information to the returnees for promoting awareness and confidence, and to the media regarding their work. It may consider access to media to both sides of the border to create confidence among returnees, before and after return with the prior consent of the other Party.

17. Each Government will be responsible for their respective JWG Members which includes the necessary secretariat services and administrative support.

18. The JWG will submit a report every 3 months, summarizing their work, activities and progress; record concerns and recommendations, to their respective Parties.

19. The JWG shall consider and agree on prioritization of displaced Myanmar residents for verification and return, and their time-schedules. It will finalise batch size of returnees (village/township wise), actual schedule for return and work out procedures for handing over of displaced Myanmar residents from Rakhine State.

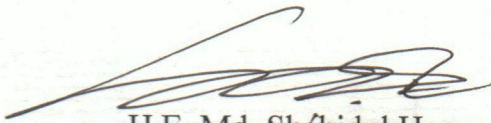
20. The Parties will consider the repatriation of Myanmar residents who crossed over to Bangladesh before October 2016 on the conclusion of the present return.

21. This Terms of Reference may be amended by the Parties by mutual agreement in writing.

22. Done at Dhaka on the 19th of December 2017 in the English language, in duplicate.

On behalf of the Government of the
People's Republic of Bangladesh

On behalf of the Government of the
Republic of the Union of Myanmar



H.E. Md. Sháhidul Haque
Foreign Secretary
Ministry of Foreign Affairs



H.E. U Myint Thu
Permanent Secretary
Ministry of Foreign Affairs

Composition of the JWG

BANGLADESH SIDE		MYANMAR SIDE	
1.	Representative of MOFA-at the Level of Secretary (Leader)	1.	Permanent Secretary/Director-General of MOFA Myanmar (Leader)
2.	Representative of the Prime Minister's Office	2.	Representative of the Office of the State Counsellor
3.	Divisional Commissioner of Chittagong	3.	Commissioner (Maungdaw General Administration Department)
4.	Representative of the Ministry of Disaster Management and Relief	4.	Representative of Social Welfare, Relief and Resettlement
5.	Two Representatives of the Ministry of Home Affairs	5.	Representative of the Ministry of Home Affairs
6.	Refugee Relief and Repatriation Commissioner (RRRC)	6.	Representative of Ministry of Health
7.	Representative from Armed Forces Division, Prime Minister's Office	7.	Representative from Ministry of Border Affairs
8.	Representative of Border Guard Bangladesh	8.	Representative of Myanmar Border Guard Police
9.	Two Representatives of National Security Agencies	9.	Representative of National Security Advisor Office
10.	Representative of Department of Immigration and Passports	10.	Two Representatives of Immigration Department and National Registration Department
11.	Representative of Statistics and Informatics Division, Ministry of Planning	11.	Head of Maungdaw District, Ministry of Labour, Immigration and Population
12.	Representative from Ministry of Foreign Affairs	12.	Two Representatives from Ministry of Foreign Affairs (Consular & Legal Affairs Department and Political Department)
13.	Representative of the Bangladesh Embassy in Myanmar/Consul, Sittwe	13.	Representative of the Myanmar Embassy in Bangladesh

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