



Republic of Rwanda
Ministry of Foreign Affairs
and International Cooperation



MINISTRY OF FOREIGN AFFAIRS
OF DENMARK



Ministry of Immigration
and Integration

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE MINISTRY OF FOREIGN AFFAIRS AND THE
MINISTRY OF IMMIGRATION AND INTEGRATION OF
THE KINGDOM OF DENMARK**

&

**THE MINISTRY OF FOREIGN AFFAIRS AND
INTERNATIONAL COOPERATION OF
THE REPUBLIC OF RWANDA**

REGARDING

COOPERATION ON ASYLUM AND MIGRATION ISSUES

The Ministry of Foreign Affairs and the Ministry of Immigration and Integration of the Kingdom of Denmark (hereafter Denmark) and the Ministry of Foreign Affairs and International Cooperation of the Republic of Rwanda (hereafter Rwanda) together the Parties and in singular the Party;

Considering that for many years, Rwanda has willingly been hosting and giving shelter to hundreds of thousands of refugees, primarily from neighboring Democratic Republic of Congo and the Republic of Burundi. Moreover, Rwanda has made significant commitments to the protection and assistance of refugees including by signing the MoU with the African Union (AU) and UNHCR establishing the Emergency Transit Mechanism (ETM) aims at providing life-saving protection, assistance and long-term solutions to extremely vulnerable refugees trapped in detention in Libya, through temporary evacuation to Rwanda;

In the framework of the follow-up to the Global Compact on Refugees, Rwanda has made important legal, material, financial and resettlement pledges at the Global Refugee Forum in December 2019, with a view to, among others, access to job opportunities, education and sustainable livelihood to refugees, displaced persons and host communities;

Rwanda is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Rwanda is party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and ratified the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) in 2012. Rwanda is also party to the 1954 Convention relating to the Status of Stateless Persons (the 1954 Convention) and to the 1961 Convention on the Reduction of Statelessness (the 1961 Convention). Rwanda is also a party to the Chicago Convention of 7th December 1944 on International Civil Aviation, the Cotonou Agreement of 26th June 2000 concerning the return and readmission of Countries' national who are illegally present on the territory of the other; or found inadmissible upon entering such territory, the international covenant of 16th December on civil and political rights, the international covenant on 16th December on economic, social, and cultural rights, the convention of 10th December 1984 against torture and other cruel, inhuman and treatment or punishment;

Denmark is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Denmark was also one of the first 15 members of the UNHCR Advisory Committee established in 1951. Denmark ratified the European Convention on Human Rights (ECHR) in 1953 and it was incorporated in Danish law on 29 April 1992. As a result, the courts of Denmark have a duty to enforce the ECHR. Due to the Danish reservation in the European Union in the area of Justice and Home Affairs, Denmark is not bound by European Union legislation regarding asylum and immigration. However, through parallel agreements Denmark is party to the European Union Dublin and Eurodac Regulations;

Denmark is committed to finding new and sustainable solutions to the present migration and refugee challenges that affect countries of origin, transit and destination. The current asylum system is unfair and unethical by incentivizing children, women and men to embark on dangerous journeys along the migratory routes, while human traffickers earn fortunes. There is a need to finding new ways of addressing the migration challenges by promoting a fairer and more humane asylum system based on a comprehensive approach. This includes addressing the root causes of irregular migration, providing more and better protection of refugees in the regions of conflict and increasing assistance to host nations, countries of origin and transit – along the migratory routes – in order to improve border management, strengthen asylum systems and fight human smuggling. It is also the vision of the Danish Government that the processing of asylum applications should take place outside of the EU in order to break the negative incentive structure of the present asylum system.

At the Global Refugee Forum Denmark made important pledges towards durable solutions including, among others, an ex-post matching pledge to support Rwanda's Global Refugee Forum (GRF) for jobs and livelihood in the agricultural sector. Denmark also pledged to the strengthening of national asylum systems in transit and host countries and to resuming the resettlement program with refugees from Rwanda. Through the UNHCR Denmark has provided financial support to the Rwanda Emergency Transit Mechanism as well to job creation in the agricultural sector.

Reaffirming the commitments of a strengthened and deeper bilateral cooperation between the Parties;

Have agreed as follows:

Article 1 Objectives

The objective of this Memorandum of Understanding (hereinafter referred to as the "MoU") is to create a mechanism for bilateral cooperation on asylum and migration within current international standards.

Article 2 Scope

The present Memorandum of Understanding constitutes the framework for strengthening the bilateral cooperation on asylum and migration issues between the Parties. Other areas such as statelessness preventing durable and sustainable solutions for refugees could also be considered for support. The

framework should also include a strengthened bilateral dialogue and cooperation on new and sustainable solutions to the present migration and refugee challenges.

Article 3 Areas and forms of cooperation

The asylum and migration cooperation will overall be focused at strengthening Rwanda's Refugee Status Determination (RSD) including the appeal process, and further developing the asylum and refugee management administration according to the national legal framework and international standards. The forms of cooperation could include but are not limited to:

1. Investigation in immigration matters, return and repatriation, post entry management, border management, combating illegal migration, combatting human trafficking, human smuggling and terrorism, detection of fraudulent documents and information sharing on criminal fugitives;
2. Facilitate and harmonize procedures for the return of irregular immigrants,
3. Technical assistance by Danish or other (local/international) experts including secondments, equipment, infrastructure, ID management; and biometric registration;
4. Study/government ex-change visits in Denmark/Rwanda, training and workshops;
5. Livelihood support for refugees, support to ETM, and to durable solutions (resettlement) for refugees;
6. Any other related matter of mutual concern.

Article 4 Principles of contact

The parties will encourage direct contact between their respective specialized ministries/agencies within the area of cooperation while keeping their Ministries of Foreign Affairs and their diplomatic missions in third countries well informed about the cooperation activities.

Article 5 Funding of cooperation

Denmark agrees to provide funding from its dedicated asylum and migration funds for the identified cooperation activities. Rwandan input will be specified in the Agreement(s) regarding concrete projects/activities.

Article 6 Notification

Any notice required or permitted under this MoU will be valid and effective only if in writing and will be deemed to have been received on the date of delivery. Any Participant may by notice to the other Participant, change its chosen address to another physical address and such change will take effect on the thirtieth (30th) day after the date of receipt who last receives notice.

Notices to the Participants will be sent to the following addresses:
For the Republic of Denmark: *Ministry of Foreign Affairs of the Kingdom of Denmark.*

For the Republic of Rwanda: *The Ministry of Foreign Affairs and International Cooperation of the Republic of Rwanda.*

Article 7 Legal status

The parties acknowledge that this Memorandum of Understanding is a non-binding agreement. Each party agrees that this MoU gives no rise to legal obligations on the part of any party. The parties intend to use their best efforts in good faith to work together to achieve the objectives of this MoU.

Article 8 Confidentiality

Neither party will disclose to a third party any confidential information communicated to it, without prior written consent of the other party, except information that is in the public domain or that required in fulfilment of a legal provision. This provision will survive the expiration or termination of this MoU.

Article 9 Amendment

This Memorandum of Understanding may be amended by mutual consent of the parties by submitting a proposed written addendum to the other party and by written acceptance of the other party of the said written addendum through diplomatic channels.

**Article 10
Duration**

This Memorandum of Understanding is for a duration of three (3) years after which it will be automatically renewed for a similar period unless terminated by either party by giving a three (3) months written notice in advance of its intention to terminate through diplomatic channels.

**Article 11
Governing law**

This Memorandum of Understanding will be construed and implemented in accordance with the laws of each party.

**Article 12
Dispute Resolution**

Any dispute that may arise between the two parties in relation to the interpretation or application of this Memorandum of Understanding, will be settled amicably. If the dispute cannot be amicably settled, any party will be at liberty to terminate this Memorandum of Understanding.

**Article 13
Termination**

Either Party may terminate this Memorandum of Understanding at any time upon providing a written notification letter to the other. In the event of termination of this Memorandum of Understanding, the parties will coordinate in good faith to accomplish any ongoing activity.

**Article 14
Effective date**

This Memorandum of Understanding will come into effect on the date of its signature by both parties.

The foregoing represents the understanding reached between the Parties on the matters referred to in this Memorandum of Understanding.

Signed in duplicate in Kigali, on 2021, in the English language.

For the Ministry of Foreign
Affairs of the Kingdom of
Denmark

For the Ministry of Foreign
Affairs and International
Cooperation of the Republic
of Rwanda

Flemming Møller Mortensen

Minister for Development
Cooperation

Prof. NSHUTI Manasseh

Minister of State in charge of
the East African Community

For the Ministry of Immigration
and Integration of the Kingdom
of Denmark

Mattias Tesfaye

Minister for Immigration and
Integration