

MEMORANDUM OF UNDERSTANDING ON THE MONITOR MISSION TO YUGOSLAVIA

Taking into account

– the decision of the Committee of Senior Officials of the Conference of Security and Co-operation in Europe to welcome the readiness of the European Community and its Member States, building on their initiatives, to organize a mission to help stabilize a cease-fire, to monitor the return of all armed forces to their previous positions and to monitor the suspension of the implementation of the declarations of independence, as well as to note the strong interest of the States participating in the Conference on Security and Co-operation in Europe to make a concrete contribution to resolution of the present Yugoslav crisis,

– the invitation by the Yugoslav authorities to the European Community and its Member States to organize such a mission, and

– the agreements reached at Brioni on July 7, 1991.

The European Community and its Member States: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom and the Commission.

Hereinafter called the Sending Parties,
on the hand,

and

The Federal Authorities of Yugoslavia
And the Republics of Croatia and Slovenia,
Hereinafter called the Host Parties,

on the other hand,

Together hereinafter called the Participating Parties.

Recognizing the devastating consequences hostilities in Yugoslavia would have for all its inhabitants,

Aware of the serious impact hostilities in Yugoslavia could have on peace and security in Europe,

Determined to seek peaceful means of resolving the situation which currently separates the peoples of Yugoslavia,

Anxious to promote conditions to discourage new outbreaks of violence and bloodshed, and

Resolved to work together to contribute to the maintenance of peace and security and to open the way to negotiations on the future of Yugoslavia.

Reached the following understandings:

MEMORANDUM O SOGLASJU O OPAZOVALNI MISIJI V JUGOSLAVIJI

Ob upoštevanju

– odločitev odbora visokih uradnikov Konference o varnosti in sodelovanju v Evropi, ki pozdravlja pripravljenost Evropske skupnosti in njenih držav članic, in njegove pobude, da se pošlje misija, ki bo pomagala utrditi prekinitev ognja, opazovala vrnitev vseh oboroženih sil na njihove izhodiščne položaje in spremljala odložitev uresničevanja deklaracij o neodvisnosti, kakor tudi na podlagi poudarjenega interesa držav udeleženk Konference o varnosti in sodelovanju v Evropi za konkreten prispevek k rešitvi sedanje jugoslovanske krize,

– povabila jugoslovanskih oblasti Evropski skupnosti in njenim državam članicam, naj pošljejo takšno misijo, ter

– sporazumov, doseženih na Brionih 7. julija 1991, so se Evropska skupnost in njene države članice: Belgija, Danska, Francija, Nemčija, Grčija, Irska, Italija, Luksemburg, Nizozemska, Portugalska, Španija in Velika Britanija ter Komisija

(v nadaljnjem besedilu: strani pošiljateljice) na eni strani

in

jugoslovanski zvezni organi
ter republiki Hrvaška in Slovenija

(v nadaljnjem besedilu: strani gostiteljice) na drugi strani

(v nadaljnjem besedilu skupno imenovane strani udeleženke)

priznavajoč uničujoče posledice sovražnosti v Jugoslaviji za vse njene prebivalce,

zavedajoč se resnih posledic sovražnosti v Jugoslaviji za mir in varnost v Evropi,

odločeni, da z mirnimi sredstvi poiščejo rešitev položaja, ki zdaj razdvaja narode Jugoslavije,

v želji, da vzpostavijo pogoje, ki bi onemogočili nove izbruhe nasilja in preliivanja krvi, ter

odločeni, da s skupnim delovanjem prispevajo k ohranitvi miru in varnosti in odpro pot pogajanjem o bodočnosti Jugoslavije,

sporazumeli o naslednjem:

Article I (mandate)

1. A multinational Monitor Mission will be established. The aim of its activities is:

a. to help stabilize the cease-fire. To that end, to conduct ad hoc evaluations of, and to investigate alleged violations, of the following elements in the cease-fire agreed between Host Parties:

- the lifting of the blockade of YNA units and facilities;
- the unconditional return of YNA units to their barracks;
- the clearing of all roads;
- the return of all facilities and equipment to the YNA, and
- the deactivation of territorial defence units and their return to quarters;

b. to monitor the suspension of the implementation of the declarations of independence for the period of three months as agreed between the Host Parties, in the context of the arrangements reached in Brioni, particularly on the border regime and border security;

c. if and when required, to monitor the release and return of prisoners, detained in connection with hostilities since June 25, 1991, in co-operation with the International Committee of the Red Cross.

2. To this end, the Host Parties will provide the Sending Parties with all information and extend full co-operation as necessary for the accomplishment of the Mission's objectives.

Article II (duration)

1. The Monitor Mission will commence its activities described in Article I as soon as possible after signature of this Memorandum of Understanding by all Participating Parties.

2. The Monitor Mission will end its activities three months after signature of this Memorandum of Understanding by all Participating Parties. The Participating Parties may decide to prolong the mandate of the Monitor Mission.

Article III (mission area)

1. The Monitor Mission will concentrate its activities on Slovenia and, as appropriate, Croatia, unless the Participating Parties agree that the implementation of the Mandate also requires activities beyond these areas.

2. The Monitor Mission will establish a Co-ordination Centre, which for practical purposes will be situated in Zagreb. It will have a Regional Monitor Centre in Ljubljana. The Mission will liaise with the authorities in Belgrade.

Article IV (status)

1. The Host Parties will be responsible for the full protection of the Monitor Mission and its members.

2. For the purpose of conducting its activities, the Monitor Mission and its personnel will enjoy, together with its vehicles, vessels, aircraft and equipment, unrestricted freedom of movement in the mission area.

3. When conducting its activities, personnel of the Monitor Mission will at their request be accompanied by at least one escort officer designated by the Host Parties, having regard of the sector in the mission area concerned. The escort officers will assist the personnel of the Monitor Mission in carrying out their functions.

4. The Monitor Mission will display the flag of the European Community on its Co-ordination Centre, its Regional Monitor Centre and others premises, vehicles, vessels and otherwise as decided by the Head of the Monitor Mission.

I. člen (mandat)

1. Ustanovi se Mednarodna opazovalna misija z naslednjimi nalogami:

a. pomagati utrditi prekinitev ognja. V ta namen daje ad hoc ocene in raziskuje domnevne kršitve naslednjih elementov prekinitve ognja, dogovorjene med stranmi gostiteljicami:

- odstranitev blokad enot JLA in objektov,
- brezpogojna vrnitev enot JLA v njihove vojašnice,
- deblokada vseh cest,
- vrnitev vseh objektov in opreme JLA in
- deaktiviranje enot TO in njihova vrnitev v prostore nastanitve;

b. spremljati odložitev uresničevanja deklaracij o neodvisnosti v trimesečnem obdobju po dogovoru med stranmi gostiteljicami na podlagi brionskih dogovorov, še posebej glede režima na mejah in varnosti meja;

c. če in kadar je potrebno, opazovati izpustitev in vrnitev ujetnikov, ki so bili priprti v zvezi s sovražnostmi po 25. juniju 1991, v sodelovanju z Mednarodnim odborom Rdečega križa.

2. V ta namen bodo strani gostiteljice priskrbele stranem pošiljateljicam vsa obvestila in zagotovile popolno sodelovanje, potrebno za izpolnitev ciljev misije.

II. člen (trajanje)

1. Opazovalna misija bo začela delovati, kot je opisano v I. členu, takoj ko bo to mogoče po podpisu tega memoranduma o soglasju s strani vseh udeleženk.

2. Opazovalna misija bo s svojimi dejavnostmi končala tri mesece po podpisu memoranduma o soglasju s strani vseh udeleženk. Strani udeleženke se lahko odločijo, da podaljšajo mandat opazovalni misiji.

III. člen (delovanje)

1. Opazovalna misija bo osredotočila svoje delovanje na Slovenijo in, če bo to potrebno, na Hrvaško, razen če se strani udeleženke dogovorijo, da so za izpolnitev mandata potrebne dejavnosti tudi zunaj navedenih območij.

2. Opazovalna misija bo ustanovila koordinacijski center, ki bo iz praktičnih razlogov v Zagrebu, in področni opazovalni center v Ljubljani. Misija bo imela zvezo z organi v Beogradu.

IV. člen (status)

1. S strani gostiteljice bodo odgovorne za celovito zaščito opazovalne misije in njenih članov.

2. Opazovalna misija in njeni člani bodo pri opravljanju svoje dejavnosti uživali neomejeno svobodo gibanja na območju misije, kar velja tudi za njihova vozila, plovila, letala in opremo.

3. Člane opazovalne misije bo pri opravljanju njihove dejavnosti na njihovo zahtevo spremljal najmanj en spremljevalec, ki ga določijo strani gostiteljice, pri čemer je treba upoštevati področje, na katero se obisk nanaša. Spremljevalci bodo pomagali članom opazovalne misije pri izpolnjevanju njihovih nalog.

4. Opazovalna misija bo izobesila zastavo Evropske skupnosti na svojem koordinacijskem centru, svojem področnem opazovalnem centru in drugih poslopih, vozilih, plovilih itd., kot določi vodja opazovalne misije.

5. Vehicles, vessels and aircraft of the Monitor Mission will carry a distinctive Monitor Mission identification, which will be notified to the relevant authorities.

Article V (composition)

1. The Monitor Mission will be composed of personnel appointed by the Sending Parties. Personnel belonging to the Monitor Mission will be called hereinafter monitors.

2. Monitors will be appointed by the Governments of their Sending States.

3. The number of monitors will initially be between 30 and 50. The number of personnel required can be changed as agreed between the Participating Parties.

4. The monitors will refrain from any action or activity incompatible with the impartial nature of their duties.

5. The Monitor Mission may avail itself of the assistance of administrative and technical staff from the Sending Parties as it requires. The members of the Mission's administrative and technical staff will enjoy a status similar to that of administrative and technical staff from Sending States employed in Embassies.

6. The Monitor Mission may recruit locally such auxiliary personnel as it requires. Upon the request of the Head of the Monitor Mission, the Host Parties, as appropriate, will facilitate the recruitment of qualified local staff by the Monitor Mission and to accelerate the process of such recruitment. The Mission's auxiliary personnel will enjoy a status similar to that of locally engaged staff in Embassies.

Article VI (arms and dress)

1. Monitors will not carry arms.

2. Monitors will wear civilian dress.

Article VII (chain of responsibilities)

1. The Monitor Mission will operate under the responsibility of the Head of the Mission, who will be a national of the Member State of the European Community currently holding the EC Council Presidency, hereinafter called the EC Council Presidency.

2. The Head of the Monitor Mission will report regularly, through the EC Council Presidency, to all the Participating Parties on the activities and findings of the Monitor Mission.

3. The EC Council Presidency will inform the Committee of Senior Officials of the Conference on Security and Co-operation in Europe at the earliest opportunity on the activities and findings of the Monitor Mission.

Article VIII (travel and transport)

1. Vehicles, vessels and aircraft of the Monitor Mission will not be subject to compulsory registration or licensing in the mission area, provided that all such vehicles shall carry third party insurance.

2. The Monitor Mission may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls and charges, including wharfage charges.

3. Upon request, the Monitor Mission will be provided by the Host Parties with such vehicles as may be required to perform its tasks in case the Monitor Mission is unable to operate its own vehicles. The Host Parties will facilitate the Monitor Mission operating its own vehicles, vessels and aircraft.

Article IX (communications)

1. The personnel of the Monitor Mission will have access to appropriate telecommunications equipment of the Host Parties for the purpose of its activities, including for communicating with Diplomatic and Consular Representations of the Sending Parties.

5. Vozila, plovila in letala opazovalne misije bodo imela razločne razpoznavne znake, ki bodo prijavljeni ustreznim organom.

V. člen (sestava)

1. Opazovalno misijo bodo sestavljali člani, ki jih imenujejo strani pošiljateljice. Člani, ki sestavljajo opazovalno misijo, se v nadaljnjem besedilu imenujejo opazovalci.

2. Opazovalce bodo imenovalе vlade držav pošiljateljic.

3. Število opazovalcev bo v začetku med 30 in 50. Njihovo število se lahko spremeni po dogovoru med stranmi udeleženkami.

4. Opazovalci se bodo vzdržali kakršnega koli dejanja, ki ni združljivo z nepristransko naravo njihovih dolžnosti.

5. Opazovalna misija lahko uporablja pomoč administrativnega in tehničnega osebja strani gostiteljic, če to potrebuje. Administrativno in tehnično osebje misije bo uživalo status, podoben tistemu, ki velja za administrativno in tehnično osebje držav pošiljateljic, zaposleno v veleposlanstvu.

6. Opazovalna misija lahko na kraju samem zaposli pomožno osebje, ki ga potrebuje. Na zahtevo vodje opazovalne misije bodo strani gostiteljice ustrezno pomagale pri iskanju usposobljenega krajevnega osebja za opazovalno misijo in pospešile postopek za njegovo zaposlitev. Pomožno osebje misije bo uživalo status, podoben tistemu, ki ga ima domače osebje, zaposleno v veleposlanstvih.

VI. člen (orožje in obleka)

1. Opazovalci ne bodo oboroženi.

2. Opazovalci bodo oblečeni v civilne obleke.

VII. člen (zaporedje odgovornosti)

1. Vodja misije bo odgovoren za delovanje opazovalne misije in bo državljan predsedujoče članice Evropske skupnosti v Svetu Evrope (v nadaljnjem besedilu predsedstvo Sveta ES).

2. Vodja opazovalne misije bo redno poročal preko predsedstva Sveta ES vsem državam udeleženkam o dejavnostih in ugotovitvah opazovalne misije.

3. Predsedstvo Sveta ES bo nemudoma obvestilo odbor visokih uradnikov Konference o varnosti in sodelovanju v Evropi o dejavnostih in ugotovitvah opazovalne misije.

VIII. člen (prevoz)

1. Za vozila, plovila in letala opazovalne misije ne velja obvezna registracija, zanje ni treba izdati dovolilnice na območju delovanja misije pod pogojem, da so vsa ta prevozna sredstva zavarovana za morebitno povzročitev škode tretjim osebam.

2. Opazovalna misija lahko uporablja ceste, mostove, kanale in druge vodne poti, pristanišča in letališča, ne da bi morala plačevati dajatve, cestnine ali takse in pristaniške pristojbine.

3. Na zahtevo bodo gostiteljice opazovalni misiji zagotavljale takšna vozila, kot bi jih ta potrebovala pri opravljanju svojih nalog, kadar opazovalna misija ne bo mogla uporabiti lastnih vozil. Strani gostiteljice bodo omogočale opazovalni misiji uporabo njenih lastnih vozil, plovil in letal.

IX. člen (zveze)

1. Člani opazovalne misije bodo imeli za opravljanje svojih nalog dostop do ustrezne telekomunikacijske opreme strani gostiteljic, vključno s komuniciranjem z diplomatskimi in konzularnimi predstavniki strani pošiljateljic.

2. Personnel of the Monitor Mission will enjoy the right to unrestricted communication by its own radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means. The Host Parties will provide within 24 hours after signature of the Memorandum of Understanding the frequencies on which radios can operate.

Article X (privileges and immunities)

1. Monitors will be granted during their mission the privileges and immunities of Diplomatic Agents, in accordance with the Vienna Convention on Diplomatic Relations.

2. The Co-ordination Centre, the Regional Monitor Centre and other facilities, and the vehicles, vessels and aircraft of the Monitor Mission will be inviolable.

3. The privileges and immunities provided for in this Article will be granted to monitors:

- a. during their mission, and
- b. thereafter, with respect to acts previously performed during their mission.

4. The Host Parties undertake to facilitate the entry into and departure from the mission area of the Head of the Monitor Mission and of members of the Mission's personnel. The EC Council Presidency will provide the Host Parties with a list of members of the Mission and inform the Host Parties about the arrival and departure of personnel belonging to the Monitor Mission. Personnel belonging to the Monitor Mission will carry their national identification cards (passports) as well as a document which proves that they are personnel of the Monitor Mission.

5. The Host Parties recognize the right of the Sending Parties to import, free of duty or other restrictions, any equipment, provisions, supplies and other goods which are for the exclusive and official use of the Monitor Mission, as well as to re-export to otherwise dispose of such equipment, as far as it is still usable, all unconsumed provisions, supplies and other goods so imported.

Article XI

1. The Participating Parties will decide on other provisions concerning privileges and immunities as well as on practical arrangements, such as the provision of food and lodging, travel and mission subsistence allowances.

2. The Host Parties will fully compensate Sending Parties in respect of any damage, loss or injury suffered by any monitor in connection with the Mission, and will indemnify the Sending Parties in respect of any claims arising from or in any way connected with the activities of the Monitor Mission or its personnel.

Article XII

1. Repartition of costs of the Monitor Mission is to be decided on.

Done at Belgrade on July 13, 1991, in the English language in four copies.

For the European Community and its Member States:

Christiaan M. J. Kröner
Netherlands Ambassador at Large

For the Federal Authorities of Yugoslavia:

Živojin Jazić
Ambassador

2. Člani opazovalne misije bodo imeli pravico do neomejenih komunikacij z lastno radijsko zvezo (vključno satelitsko, prenosno ali ročno radijsko postajo), telefonom, telegrafom, telefakso ali s katerikoli drugim sredstvom. Strani gostiteljice bodo v 24. urah po podpisu Memoranduma o soglasju poskrbele za frekvence, na katerih lahko delujejo radijske zveze.

X. člen (privilegiji in imunitete)

1. Opazovalci uživajo med svojo misijo diplomatske privilegije in imunitete v skladu z Dunajsko konvencijo o diplomatskih odnosih.

2. Koordinacijski center, področni opazovalni center in drugi objekti in vozila, plovila ter letala opazovalne misije bodo nedotakljivi.

3. Privilegiji in imunitete, ki jih predvideva ta člen, bodo opazovalcem zagotovljeni:

- a. med njihovo misijo
- b. in tudi pozneje glede na dejanja, ki so bila opravljena že med njihovo misijo.

4. Strani gostiteljice se obvežejo olajšati prihod in odhod z območja misije vodji opazovalne misije in članom misije. Predsedstvo sveta ES bo poskrbelo stranem gostiteljicam seznam članov misije in jih obvestilo o njihovem prihodu in odhodu. Člani opazovalne misije bodo nosili nacionalne legitimacije (potne liste) hkrati s potrdilom, da so člani opazovalne misije.

5. Strani gostiteljice priznajo stranem pošiljateljicam pravico uvoziti brez čarine ali drugih dajatev opremo, potrebščine, živež in drugo blago, ki je namenjeno izključno za uradne potrebe opazovalne misije, kakor tudi ponovno izvoziti ali drugače razpolagati s takšno opremo, če je še uporabna, z vsemi neuporabljenimi potrebščinami, živežem in drugim blagom, ki je bilo uvoženo na opisani način.

XI. člen

1. Strani udeleženke se bodo kasneje odločile glede drugih določil, ki se nanašajo na privilegije in imuniteto kakor tudi na praktične aranžmaje, kot so zagotovitev hrane, nastanitev, potovanja in dnevnice misije.

2. Strani gostiteljice bodo v celoti nadomestile stranem pošiljateljicam vsako škodo, izgubo ali poškodbo, ki bi jo utrpel katerikoli opazovalec misije, in bodo povrnile škodo stranem pošiljateljicam glede vseh zahtevkov, ki bi izhajali ali bili kakorkoli povezani z dejavnostmi opazovalne misije ali njenih članov.

XII. člen

1. O porazdelitvi stroškov opazovalne misije se bo treba še odločiti.

Sestavljeno v Beogradu 13. julija 1991 v angleškem jeziku v štirih izvodih.

Za Evropsko skupnost in njene države članice:

Christiaan M. J. Kröner
Potujoči veleposlanik Nizozemske

Za zvezne jugoslovanske organe:

Živojin Jazić
Veleposlanik

For the Republic of Croatia:

Davorin Rudolf
Minister of Foreign Affairs

For the Republic of Slovenia:

Marko Kosin
Counsellor to the
Government of Slovenia

Za Republiko Hrvatsko:

Davorin Rudolf
Minister za zunanje zadeve

Za Republiko Slovenijo:

Marko Kosin
Svetovalec vlade
Republike Slovenije

3. člen

Za uresničevanje Memoranduma skrbi Ministrstvo za
zunanje zadeve.

Št. 900-01/91-10/1-8

Ljubljana, dne 1. avgusta 1991.

Izvršni svet
Skupščine Republike Slovenije

Predsednik
Lojze Peterle l. r.