

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:

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.
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 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 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.
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. Kroner, Netherlands Ambassador at Large

For the Federal Authorities of Yugoslavia:

Živojin Jazić, Ambassador

For the Republic of Croatia:

Davorin Rudolf, Minister of Foreign Affairs

For the Republic of Slovenia:

Marko Kosin