

**MEMORANDUM OF UNDERSTANDING ON THE EXTENSION OF
MONITORING ACTIVITIES OF THE MONITOR MISSION TO YUGOSLAVIA**

Belgrade, 1 September 1991

Taking into account:

- the decision of the Committee of Senior Officials of the Conference on Security and Cooperation 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, as well as to note the strong interest of the States participating in the Conference on Security and Cooperation 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,
- the agreements reached at Brioni on July 7, 1991 and
- In conformity with the Memorandum of Understanding on the Monitor Mission to Yugoslavia, signed at Belgrade on July 13, 1991, by Representatives of the European Community and its Member States, the Federal Authorities of Yugoslavia, the Republic of Croatia and the Republic of Slovenia, which remains in force according to its provisions,
- the Agreement on Cease-fire Belgrade, September 1, 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 one hand and

The Federal Presidency of the SFRY, also acting in its capacity of Collective Supreme Commander of the Armed Forces, and

The Federal Executive Council and the Republics of Bosnia and Herzegovina, Montenegro, Croatia, Macedonia, Slovenia and Serbia,

Hereinafter called the Host Parties, on the other hand,

Together hereinafter called the Participating Parties,

Recognizing the devastating consequences of hostilities in Yugoslavia have for all 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. The activities of the multinational Monitor Mission established on the basis of the Memorandum of Understanding of July 13, 1991, will be extended to include the monitoring of the cease-fire agreed upon on September 1, 1991, at Belgrade, once it has become effective. The aim of this extension of activities will be to help stabilize this cease-fire and, to that end, the Monitor Mission will conduct ad hoc evaluations of, and investigate alleged violations, of the following elements of the ceasefire, which have to be effectively instituted, as agreed between the Signing Parties to the Agreement on Cease-fire of Belgrade, September 1, 1991:

- a halt to the use of force;
- all armed formations and all persons carrying weapons shall immediately and unconditionally refrain from opening fire and desist from all activities which might provoke armed conflicts;
- any parties in conflict shall immediately end all further movements, except those aimed at withdrawal from immediate contact and shall withdraw from actual or previous areas where hostilities have taken or are taking place;
- hostile forces in direct contact shall separate and withdraw to locations at least out of range of small arms;
- mortars and other weapons shall be withdrawn out of range of previously hostile forces;
- all paramilitary forces (other than police forces) and other irregular units shall disarm and disband;
- the Croat National Guard reserve forces shall be mobilized, the JNA should return to barracks, both without prejudicing the conduct of the monitoring activities mentioned below.

2. In order to ensure a comprehensive and effective control of the cease-fire, Parties also agreed that monitoring activities will be conducted by the JNA and the Croat Authorities and representatives of the Serbian population in Croatia, involved in the hostilities. At the discretion of the Head of the Monitor Mission, personnel belonging to the Monitor Mission may participate in the aforementioned monitoring activities by the Yugoslav parties concerned.

3. The role of the Monitor Mission will be to monitor and report on the implementation of the elements of the cease-fire, outlined in Article I, but the Mission will not take part in enforcing the implementation of these elements.

4. To this end, the Host Parties will provide the Sending Parties with all information and extend full cooperation as necessary for the accomplishment of the Mission's objectives. To this end, each Host Party will appoint a liaison officer.

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, once the cease-fire has become effective.

2. The Monitor Mission will end its activities on October 13, 1991, three months after signature of the Memorandum of Understanding of July 13, 1991. The Participating Parties may decide to prolong the mandate of the Monitor Mission.

Article III (coordinating arrangements)

1. The activities of the Monitor Mission will be coordinated from the Coordination Centre which has been established in Zagreb. The Monitor Mission may establish (a) Regional Monitor Centre(s) as necessary.

Article IV (status)

1. The Host Parties will be responsible for the full protection, safety and security of the Monitor Mission and its members. The Host Parties undertake to guarantee the security of personnel from the Monitor Mission in particular by issuing specific orders that no unit or individual should fire on or near monitors. Other specific provisions which are envisaged, will be submitted to the Head of the Monitor Mission for advice.

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. The Monitor Mission will operate only in areas where the effectiveness of the cease-fire has been verified in monitoring activities of the JNA, Croat Authorities and representatives of the Serbian population, and notified to the Monitor Mission, and after the Head of the Monitor Mission has received from all the Host Parties guarantees, which he regards as satisfactory, of the security of the personnel of the Monitor Mission.

4. When conducting its activities, personnel of the Monitor Mission will at their request be accompanied by escort officers and an interpreter (unless an escort officer is himself capable of acting as interpreter), designated by at least one of the Host Parties, having regard to its area of operation. The escort officers/interpreters will assist the personnel of the Monitor Mission in carrying out their functions.

5. The Monitor Mission will display the flag of the European Community on its Coordination Centre, its Regional Monitor Centre(s) and other premises, vehicles, vessels and otherwise as decided by the Head of the Monitor Mission.

6. 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 under this Memorandum of Understanding will be composed of personnel appointed by the Sending Parties and Canada, Poland, Sweden and the Czech and Slovak Federal Republic together hereinafter called Monitoring Parties. Other States participating in the Conference on Security and Cooperation in Europe, may also appoint personnel to the Monitor Mission after approval of the Participating Parties, after which they will be called Monitoring Parties.

2. Personnel belonging to the Monitor Mission will be called observers.

3. Monitors will be appointed by the Governments of the Monitoring Parties.

4. For the purpose of this Memorandum of Understanding, the number of monitors mentioned in the Memorandum of Understanding of July 13, 1991, will be augmented from 50 to approximately 200. The number of personnel required can be changed as agreed between the Participating Parties.

5. Monitors will refrain from any action or activity incompatible with the impartial nature of their duties.

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

7. The Monitoring 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 and responsibilities)

1. The Monitor Mission will operate under the responsibility of the Head of the Monitor Mission, who will be a national of the Member State of the European Community holding of 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 Host Parties and Monitor Parties, on the activities and findings of the Monitor Mission.
3. The EC Council Presidency will inform the Committee of Senior Official of the Conference on Security and Cooperation in Europe at the earliest opportunity on the activities of the Monitor Mission.

Article VIII (travel and transport)

1. Vehicles, vessels and aircraft of the Monitor Mission will not be subjected to 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 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 Representatives of the Monitoring 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 all privileges and immunities of Diplomatic Agents, in accordance with the Vienna Convention on Diplomatic Relations.
2. The coordination Centre, the Regional Monitor Centre(s) and other facilities, and vehicles, vessels and aircrafts 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 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 observer 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 Monitoring 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 or otherwise dispose of such equipment, in so far as it is still usable, all unconsumed provisions, supplies and other goods so imported.

Article XI

1. The Host Parties agree to make available food and lodging to the personnel of the Monitor Mission, as well as office space, free of charge. The Participating Parties will decide on other provisions concerning privileges and immunities as well as on practical arrangements, travel and mission subsistence allowances.
2. The Host Parties will fully compensate Monitoring Parties in respect of any damage, loss or injury suffered by any monitor connection with the Mission, and will indemnify the Monitoring Parties in respect of any claims arising from or in any way connected with the activities of the Monitor Mission or its personnel.