



URADNI LIST

REPUBLIKE SLOVENIJE

MEDNARODNE POGODBE

Številka 1

16. avgust 1991

Leto I

1.

Skupščina Republike Slovenije je na skupni seji vseh zborov dne 10. julija 1991 obravnavala in sprejela Skupno deklaracijo, ki se v angleškem in slovenskem besedilu glasi:

JOINT DECLARATION

At the invitation of the Yugoslav Government, the European Community Ministerial Troika met on July 7th 1991 at Brioni, with representatives of all parties directly concerned by the Yugoslav crisis.

The objective of the Troika mission was to create the appropriate conditions for a peaceful negotiation between all the parties. All the parties concerned took note of the European Community and its Member States declaration of July 5th 1991 and reaffirmed their commitment to full implementation of the European Community's proposals of June 30 1991 in order to secure the cease-fire and enable negotiations on the future of Yugoslavia.

In regard of these proposals further modalities were agreed in *Annex I*.

Parties agreed that in order to ensure a peaceful settlement, the following principles will have to be fully followed:

- it is up and only to the peoples of Yugoslavia to decide upon their future,

- a new situation has arisen in Yugoslavia that requires close monitoring and negotiation between different parties:

- negotiations should begin urgently, no later than August 1st 1991, on all aspects of the future of Yugoslavia without preconditions and on the basis of the principles of the Helsinki Final Act and the Paris Charter for a new Europe (in particular respect for Human Rights, including the rights of peoples self-determination in conformity with the Charter of the United Nations and with the relevant norms of International Law, including those relating to territorial integrity of States),

- the Collegiate Presidency must exercise its full capacity and play its political and constitutional role, namely with regard to the Federal Armed Forces,

- all parties concerned will refrain from any unilateral action, particularly from all acts of violence.

The Community and its Member States for their part will assist in reaching peaceful and durable solutions to the present crisis, provided and as long as the commitments undertaken above are fully abided by.

In this context, the European Community and its Member States accept the request by the other parties to assist and facilitate the negotiating process.

Their help could be extended to a monitoring of the progress of the negotiations, expertise for the working groups to be established by the parties concerned, inter alia legal, Human Rights, including the rights of minority populations, economic, commercial and security relations.

SKUPNA DEKLARACIJA

Na povabilo jugoslovanske vlade se je dne 7. 7. 1991 Ministrska trojka Evropske skupnosti na Brionih sestala s predstavniki vseh strani, ki so neposredno vpletene v jugoslovansko krizo.

Cilj misije treh ministrov je bil, da bi ustvarili ustrezne pogoje za mirna pogajanja med vsemi stranmi. Vse vpletene strani so vzele na znanje deklaracijo Evropske skupnosti in njenih držav članic, sprejeto 5. 7. 1991, in ponovno potrdile njihovo polno zavzetost za uresničevanje predlogov Evropske skupnosti z dne 30. 6. 1991, da bi zagotovili prekinitve ognja in omogočili pogajanja o prihodnosti Jugoslavije.

V zvezi z omenjenimi predlogi je bil dosežen sporazum o oblikah in načinih uresničevanja, ki jih vsebuje *Priloga I*.

Strani so se strinjale, da morajo - z namenom, da bi zagotovile mirno rešitev - v celoti spoštovati naslednja načela:

- le narodi Jugoslavije, in zgolj oni sami lahko odločajo o svoji prihodnosti,

- v Jugoslaviji je nastala nova situacija, ki zahteva natančen nadzor in pogajanja med različnimi stranmi,

- nujno, vendar ne kasneje kot 1. 8. 1991, se morajo začeti pogajanja o vseh vidikih prihodnosti Jugoslavije, brez vnaprejšnjih pogojev in na osnovi načel Sklepne listine KEVS iz Helsinkov in Pariške listine za novo Evropo (zlasti v zvezi s spoštovanjem človekovih pravic, vključno s pravico narodov do samoodločbe v skladu z Ustanovno listino Združenih narodov, ter v skladu z ustreznimi načeli mednarodnega prava, vključno s tistimi, ki se nanašajo na ozemeljsko celovitost držav),

- kolektivno predsedstvo mora vzpostaviti polno avtoriteto in odigrati svojo politično in ustavno vlogo, zlasti glede na zvezne oborožene sile.

- vse vpletene strani se bodo vzdrževale slehernih enostranskih, zlasti nasilnih dejanj.

Skupnost in njene države članice po svoji strani bodo pomagale pri doseganju mirnih in trajnih rešitev sedanje krize, pod pogojem in tako dolgo, dokler ne bodo zgoraj našteje obveznosti v celoti spoštovane.

V tem kontekstu Evropska skupnost in njene države članice sprejemajo prošnjo ostalih strani za pomoč in pospeševanje procesa pogajanj.

Njihova pomoč lahko obsega tudi opazovanje poteka pogajanj, strokovno pomoč delovnim skupinam, ki bi jih ustanovile vpletene strani, in se drugim nanaša na pravna vprašanja, vprašanja človekovih pravic, vključno s pravicami manjšin, kot tudi na gospodarska, trgovinska in varnostna vprašanja.

In the wake of the decision taken in Prague in the framework of the CSCE, they agreed that a monitoring mission should become operational as soon as possible in order to help stabilise the cease-fire and to monitor the implementation of the remaining elements of the agreement reached between Yugoslav parties with the contribution of the European Community. Guidelines for the preparatory mission are set out in *Annex II*.

They welcome the expected arrival of July 9th of this preparatory mission of High Officials.

All Yugoslav parties committed themselves to support the envisaged monitoring mission by, inter alia, providing full protection and guaranteed freedom of movement.

They all agreed that the protection of minority populations is critical to a successful outcome of the negotiations. They also reconfirmed that they will fully respect in this matter their commitments under International Law.

The European Troika is prepared to inform all the CSCE Participating States about developments in the negotiating process.

Annex I

FURTHER MODALITIES IN PREPARATION OF NEGOTIATIONS

I - Border regime:

Control of border crossings will be in the hands of Slovenian police. They will act in conformity with federal regulations

II - Customs:

The agreement signed by the representatives of the federal government and the government of the Republic of Slovenia on June 20th 1991 is reconfirmed and shall be implemented. Custom duties shall remain a federal revenue and be collected by Slovenian custom officials. They shall be payed into a joint account to be controlled by the federal and republican ministers of finance plus one of two external controllers.

III - Air Traffic Control:

There is a single air traffic control for the whole of Yugoslavia. All domestic and international air traffic over Yugoslavia is controlled and guaranteed by the competent federal authority.

IV - Border security

The situation prevailing before June 25th 1991 shall be reestablished. Within the suspension period (of three months) negotiations shall be completed in order to ensure and orderly transfer of the competencies of the YNA in this field. A border regime based on European standards remains a firm objective.

V - Further modalities for the implementation of the cease-fire

- lifting of the blockade of YNA units and facilities
- unconditional return of YNA units to their barracks
- all roads to be cleared
- return of all facilities and equipment to YNA
- deactivation of territorial defence units and return to quarters.

All these measures shall be effective as soon as possible, but no later than July 8th at 24:00 hours.

VI - Prisoners

All prisoners detained in connection with hostilities since June 25th 1991 shall be released at the earliest but no later than July 8th at 24:00 hours. The International Red Cross should be associated with the implementation of this decision.

Glede na odločitev, sprejeto v Pragi v okviru KEVS, so se dogovorile, naj bi čimprej začela delovati opazovalna misija, da bi pomagala pri ustalitvi prekinitve ognja in pri nadzoru nad uresničevanjem preostalih elementov sporazuma, ki so ga ob pomoči Evropske skupnosti med seboj sprejele jugoslovanske strani. Smernice, ki se nanašajo na pripravljeno misijo, so našteje v *Prilogi II*.

Pozdravljajo pričakovan prihod pripravljane misije visokih funkcionarjev, načrtovan za 9. 7. 1991.

Vse jugoslovanske strani so se obvezale, da bodo načrtovani opazovalni misiji nudile podporo s tem, da bodo med drugim njenim članom nudile polno zaščito in jim zagotovile svobodo gibanja.

Vse so se strinjale s tem, da je zaščita manjšin bistvenega pomena za uspešen izid pogajanj. Poleg tega so ponovno zagotovile, da bodo polno spoštovale s tem v zvezi sprejete obveze, v skladu z mednarodnim pravom.

Evropska trojka je pripravljena obvestiti države, udeleženke KEVS, o poteku procesa pogajanj.

Priloga I

NADALJNJE OBLIKE IN NAČINI URESNIČEVANJA PRI PRIPRAVI POGAJANJ

I - Režim na meji:

Nadzor mejnih prehodov bo v rokah slovenske policije. Delovala bo v skladu z zveznimi predpisi.

II - Carine:

Sporazum, ki so ga podpisali predstavniki zvezne vlade in vlada Republike Slovenije 20. 6. 1991, je ponovno potrjen in bo uresničen. Carine ostajajo zvezni prihodek, carino pa bodo pobirali slovenski carinski uradniki, ki jo bodo nakazali na skupni račun, ta pa bo pod nadzorom zveznih in republiških ministrov za finance in enega ali dveh zunanjih nadzornikov.

III - Nadzor zračnega prometa:

Za celotno Jugoslavijo obstaja enoten nadzor zračnega prometa. Notranji in mednarodni zračni promet nad Jugoslavijo nadzorujejo in zagotavljajo pooblašene zvezne oblasti.

IV - Varnost meja:

Ponovno se vzpostavi stanje, ki je veljalo pred 25. 6. 1991. V obdobju suspenza (treh mesecev) bodo zaključena pogajanja, da se zagotovi urejen prenos kompetenc JLA na tem področju. Mejni režim, zasnovan na evropskih normah, ostaja trden cilj.

V - Nadaljnje oblike in načini izvajanja prekinitve ognja:

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

Vsi našteji ukrepi začnejo veljati čimprej, vendar ne kasneje kot 8. 7. 1991 ob 24. uri.

VI - Ujetniki:

Vse ujetnike, ki so bili zajeti v zvezi s sovražnostmi od 25. 6. 1991, je treba izpustiti čimprej, vendar ne kasneje kot 8. 7. 1991 ob 24. uri. Mednarodni Rdeči križ bo sodeloval pri izvajanju te odločitve.

Annex II

Priloga II

GUIDELINES FOR AN OBSERVER MISSION TO YUGOSLAVIA

Introduction

The situation in Yugoslavia is of concern to all CSCE Participating States. The Committee of Senior Officials meeting in Prague discussed the dispatch of a multinational Observer Mission into Yugoslavia. Obviously, such an Observer Mission can only operate with full consent of all Parties concerned. To ensure that the Observer Mission can fulfill its tasks, it is necessary to define its mandate and to determine its rights and duties. The financing of the operation and a number of practical aspects have to be decided upon. For this purpose, the following elements are suggested:

Mandate

An Observer Mission will be established with the objective to monitor the situation in Yugoslavia, in particular by monitoring activities in Slovenia - and possibly also Croatia. The aim of these activities is to monitor the implementation of the remaining elements of the agreement reached between Yugoslav parties with the contribution of the European Community.

Duration of the mandate

The Observer Mission should be able to take up its activities as soon as possible. The Observer Mission could continue its operation as long as this is deemed necessary by all Parties concerned.

Area of deployment

Under the current circumstances, the Observer Mission would geographically limit its activities to Slovenia, and possibly Croatia. If need arises, the area of deployment could be reviewed in agreement with all Parties concerned.

Composition and operation

The Observer Mission could be of mixed composition, i. e. both military and civilian personnel.

The Mission could consist of 30 to 50 people. Since it is important to act as expeditiously as possible, selection of personnel should not be allowed to delay the beginning of the Observer Mission's activities. A practical solution could be to recruit observers from the civilian and military members of the Vienna CSBM delegations where expertise of the CSCE process is available. They could be supplemented with other civilian and/or military officials.

The Mission would establish a Co-ordination Centre within Yugoslavia. From this Centre smaller units - of e. g. two men - would be deployed in different sectors. One liaison-officer of each of the opposing parties would be assigned to escort such observer units at all times.

Command structure and supervision

The observer units would work under the responsibility of the Head of the Observer Mission.

The Head of the Observer Mission would submit a daily report, through the Prague CSCE Secretariat, to the Committee of Senior Officials.

The Committee could be the appropriate venue to take stock of the activities of the Observer Mission and to decide on the prolongation of the mandate of the Mission, if this is necessary.

Legal arrangements

Legal arrangements would be necessary to ensure that the Observer Mission can carry out its tasks. These arrangements include provisions concerning diplomatic immunity as well as the freedom to travel and communicate freely within Yugoslavia, i. a. with the Co-ordination Centre and with Embassies.

SMERNICE ZA MISIJO OPAZOVALCEV V JUGOSLAVIJI

Uvod

Vse države članice KEVS so zaskrbljene zaradi razmer v Jugoslaviji. Odbor visokih funkcionarjev je na sestanku v Pragi razpravljal o odpošiljanju večnarodne Opazovalne misije v Jugoslavijo. Očitno je, da lahko takšna Opazovalna misija deluje le s polno privolitvijo vseh vpletenih strani. Da bi zagotovili, da Misija opazovalcev lahko v celoti uresniči svoje naloge, je potrebno definirati njen mandat oziroma pooblastila in določiti njene pravice in dolžnosti. Potrebno je sprejeti odločitve o financiranju njene dejavnosti in o številnih praktičnih vidikih. V ta namen so predloženi naslednji elementi:

Mandat

Opazovalna misija bo ustanovljena s ciljem, da nadzira razmere v Jugoslaviji, še zlasti s tem, da nadzira dejavnosti v Sloveniji - po možnosti tudi na Hrvaškem. Cilj tega dela je nadzor nad uresničevanjem preostalih elementov iz sporazuma, ki je bil dosežen med jugoslovanskimi stranmi ob sodelovanju Evropske skupnosti.

Trajanje mandata:

Opazovalna misija bi morala biti sposobna čimprej začeti s svojim delom. Opazovalna misija bi lahko delala toliko časa, dokler bodo vse vpletene strani menile, da je to potrebno.

Območje delovanja

V sedanjih razmerah bi Opazovalna misija geografsko omejila svoje dejavnosti na Slovenijo in po možnosti na Hrvaško. Če se pojavi potreba, bi lahko območje delovanja na novo določili v sporazumu med vsemi vpletenimi stranmi.

Sestava in delovanje

Misija opazovalcev bi lahko imela mešano sestavo, to je, sestavljena bi lahko bila iz vojaških in civilnih oseb.

Misijo bi lahko sestavljajo 30-50 oseb. Glede na to, da je pomembno čimprej začeti z delom, izbiranje članov Opazovalne misije ne bi smelo odložiti začetka njenega delovanja. Praktična rešitev bi lahko bilo rekrutiranje opazovalcev iz vrst civilnih in vojaških članov dunajskih delegacij v CSBM, kjer je na voljo ustrezno strokovno znanje o procesu KEVS. Dopolnjena bi lahko bila z drugimi civilnimi ali vojaškimi uradniki.

Misija bi v Jugoslaviji ustanovila Koordinacijski center. Iz tega centra bi na različne sektorje pošiljali manjše enote - na primer s po dvema članoma. Vsaka od nasprotnih strani bi določila oficirja za zvezo, ki bo ves čas dodeljen v spremstvo omenjenim opazovalnim enotam.

Struktura vodenja in nadzora

Opazovalne enote bi delovale pod nadzorom vodje Opazovalne misije. Vodja Opazovalne misije bi dnevno lahko poročal Odboru visokih funkcionarjev preko Sekretariata KEVS v Pragi.

Odbor visokih funkcionarjev bi lahko bil pravo mesto za evidentiranje informacij o dejavnosti Opazovalne misije in za odločanje glede mandata oziroma pooblastil Misije, če bi to bilo potrebno.

Pravna vprašanja

Da bi zagotovili Opazovalni misiji možnosti za opravljanje njenih nalog, bi bilo potrebno rešiti nekatera pravna vprašanja. Dogovori v zvezi s temi vprašanji vključujejo tudi določila, ki se nanašajo na diplomatsko imuniteto, kot tudi svobodo potovanja in komuniciranja v Jugoslaviji, med drugim tudi s Koordinacijskim centrom in veleposlanštvu.

Practical arrangements

Amongst the many practical arrangements to be decided upon are questions regarding the means of transport and interpretation services that will have to be made available to the observer units and the way in which the observers will identify and distinguish themselves as members of the CSCE Observer Mission.

Since the Observer Mission is not a peacekeeping force, the observers would not carry arms.

Praktična vprašanja

Med številnimi praktičnimi vprašanji, o katerih se je treba dogovoriti, se nekatera nanašajo na transport in prevajalske storitve tolmačenja oz. prevajanja, ki jih bo treba zagotoviti opazovalnim enotam, kot tudi na način identificiranja opazovalcev in njihovo medsebojno obeležitev kot članov Opazovalne komisije KEVS.

Glede na to, da Opazovalna misija ni enota, zadolžena za ohranjanje miru, opazovalci ne bi nosili orožja.

2.

Na podlagi določbe tretjega odstavka 63. člena zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) Izvršni svet Skupščine Republike Slovenije izdaja

UREDBO

o ratifikaciji Memoranduma o soglasju o opazovalni misiji v Jugoslaviji

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:

1. člen

Ratificira se Memorandum o soglasju o opazovalni misiji v Jugoslaviji, podpisan 13. julija 1991, med Republiko Slovenijo, Evropsko skupnostjo in njenimi državami članicami, Republiko Hrvaško ter zveznimi jugoslovanskimi organi.

2. člen

Besedilo Memoranduma v angleškem izvirniku in slovenskem prevodu se glasi:

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 odložitve 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 prelivanja krvi, ter

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

sporazumeli o naslednjem: