

No. 31078

**UNITED NATIONS
and
THE FORMER YUGOSLAV REPUBLIC
OF MACEDONIA**

**Exchange of letters constituting an agreement on the status
of the United Nations Protection Force (UNPROFOR)
in the former Yugoslav Republic of Macedonia (with
memorandum of understanding). Skopje, 1 and 14 June
1994**

Authentic texts: English and Macedonian.

Authentic text of the memorandum of understanding: English.

Registered ex officio on 1 July 1994.

**ORGANISATION DES NATIONS UNIES
et
L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE**

**Échange de lettres constituant un accord relatif au statut de
la Force de Protection des Nations Unies (FORPRONU)
dans l'ex-République yougoslave de Macédoine (avec
mémoire d'accord). Skopje, 1^{er} et 14 juin 1994**

Textes authentiques : anglais et macédonien.

Texte authentique du mémoire d'accord : anglais.

Enregistré d'office le 1^{er} juillet 1994.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA ON THE STATUS OF THE UNITED NATIONS PROTECTION FORCE (UNPROFOR) IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

I

UNITED NATIONS PROTECTION FORCE
FOR THE FORMER YUGOSLAVIA
SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL

1 June 1994

Excellency,

I have the honour to refer to resolution 7952 (1992) of 11 December 1992 by which the United Nations Security Council authorized the presence of the United Nations Protection Force (UNPROFOR) in the former Yugoslav Republic of Macedonia as recommended in the report of the Secretary-General to the Security Council contained in document S/24923 of 9 December 1992. This document was approved by the Security Council in the above-mentioned resolution 795 (1992). I also have the honour to refer to resolution 8423 (1993) of 18 June 1993 by which the United Nations Security Council decided to expand the size of UNPROFOR in the former Yugoslav Republic of Macedonia.

Accordingly, and in order to facilitate the fulfilment of UNPROFOR's mandate, I propose that the status of UNPROFOR and its personnel while in the former Yugoslav Republic of Macedonia be regulated by the enclosed Memorandum of Understanding.

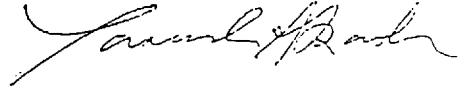
If the provisions of this Memorandum of Understanding meet with your approval, I would propose that this letter and the written confirmation of your acceptance of the Memorandum of Understanding constitute an agreement between the United Nations and your Government.

¹ Came into force on 14 June 1994 by the exchange of the said letters.

² United Nations, *Official Records of the Security Council, Forty-seventh Year, Resolutions and Decisions 1992* (S/INF/48), p. 37.

³ *Ibid.*, *Forty-eighth Year, Resolutions and Decisions 1993* (S/INF/49).

Accept, Excellency, the assurances of my highest
consideration.

A handwritten signature in dark ink, appearing to read 'Yasushi Akashi', with a stylized, flowing script.

YASUSHI AKASHI

His Excellency
Mr. Stevo Crvenkovski
Minister for Foreign Affairs

MEMORANDUM OF UNDERSTANDING

I. DEFINITIONS

1. For the purpose of the present Memorandum of Understanding (hereinafter referred to as "MOU"), the following definitions shall apply:

(a) "UNPROFOR" means the United Nations Protection Force established pursuant to Security Council resolution 7431 (1992) of 21 February 1992. UNPROFOR has been further extended pursuant to Security Council resolution 795 (1992) of 11 December 1992, as recommended by the Secretary-General in his report dated 9 December 1992 (S/24923). As such, UNPROFOR has been expanded pursuant to Security Council resolution 842 (1993) of 18 June 1993. UNPROFOR consists of:

(i) The "Special Representative" appointed by the Secretary-General of the United Nations with the consent of the Security Council. Any reference to the Special Representative in this MOU shall, except in paragraph 24, include any member of UNPROFOR to whom he delegates a specified function or authority;

(ii) a "military component" consisting of military and civilian personnel made available by participating States at the request of the Secretary-General;

(iii) a "police component" consisting of police personnel made available by participating States at the request of the Secretary-General;

(iv) a "civilian component" consisting of officials of the United Nations and civilian personnel made available by participating States at the request of the Secretary-General;

(b) "Member of UNPROFOR" means any member of the military, police or civilian components;

(c) "Participating State" means a State contributing personnel to the military, police, or civilian components of UNPROFOR;

(d) "The Government" means the Government of the State as admitted to membership in the United Nations by the General Assembly further to the adoption on 27 April 1993 of resolution 47/225;²

(e) "The territory" means the territory of the State as admitted to membership in the United Nations by the General Assembly further to the adoption on 27 April 1993 of resolution 47/225;

¹ United Nations, *Official Records of the Security Council, Forty-seventh Year, Resolutions and Decisions 1992* (S/INF/48), p. 8.

² *Ibid.*, *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 49* (A/47/49), p. 6.

(f) "The Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.¹

II. APPLICATION OF THE PRESENT MOU

2. Unless specifically provided otherwise, the provisions of the present MOU and any obligation undertaken by the Government or any privilege, immunity, facility or concession granted to UNPROFOR or any member thereof shall apply in the territory only.

III. APPLICATION OF THE CONVENTION

3. UNPROFOR, its members, property, funds and assets, shall enjoy the privileges and immunities specified in the present MOU as well as those provided for in the Convention.

4. Article II of the Convention, which applies to UNPROFOR, shall also apply to the property, funds and assets of participating States used in connection with UNPROFOR.

IV. STATUS OF UNPROFOR

5. UNPROFOR and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangements. UNPROFOR and its members shall respect all local laws and regulations. The Special Representative shall take all appropriate measures to ensure the observance of those obligations.

6. The Government undertakes to respect the exclusively international nature of UNPROFOR.

7. Without prejudice to the mandate of UNPROFOR and its international status:

(a) The United Nations shall ensure that UNPROFOR shall conduct its operations in the territory with full respect for the principles and spirit of the general conventions applicable to the conduct of military personnel. These international conventions include the Four Geneva Conventions of 12 August 1949² and their Additional Protocols of 8 June 1977³ and the UNESCO Convention of 14 May 1954 on the Protection of Cultural Property in the event of armed conflict;⁴

(b) The Government undertakes to treat at all times the military personnel of UNPROFOR with full respect for the principles and spirit of the general international conventions applicable to the treatment of military personnel. These international conventions include the Four Geneva Conventions of 12 April 1949 and their additional Protocols of 8 June 1977.

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

² *Ibid.*, vol. 75, p. 2.

³ *Ibid.*, vol. 1125, pp. 3 and 609.

⁴ *Ibid.*, vol. 249, p. 215.