

## JOINT ACTION

af 15 July 1996

adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on the nomination of a Special Envoy of the European Union in the city of Mostar

(96/442/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines given by the European Council meeting in Corfu on 24 and 25 June 1994,

Whereas the European Council meeting in Florence on 21 and 22 June 1996 has underlined the importance it attached to the electoral process in Mostar and to the need for genuine commitment of the newly elected leadership to the reunification of the town;

Whereas, with the satisfactory holding of the local elections on 30 June 1996 in Mostar, the necessary basis for the establishment of a single, multi-ethnic and lasting administration as set out in Decision 94/790/CFSP<sup>(1)</sup> is now in place; whereas the European Union Administration of Mostar (EUAM) is to end on 22 July 1996, as provided for in Article 4(1) of the Memorandum of Understanding signed in Geneva on 5 July 1994;

Whereas, in order to consolidate the achievements of the EUAM and prepare the phasing out of its activities, and in order to ensure the rapid integration of Mostar into the overall structure for peace implementation in Bosnia and Herzegovina, a European Union presence in the town remains necessary under a different form; whereas on 18 February the local parties formulated a request to that effect; whereas such a presence may be ensured through the appointment of a European Union Special Envoy;

Whereas, during the transfer of responsibilities from the European Union Administrator to the local authorities of Mostar, transitional measures may be necessary in order to facilitate full establishment of the newly elected unified local administration.

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Scope**

1. The European Union notes that, according to Article 4(1) of the Memorandum of Understanding, the EUAM ends on 22 July 1996.

<sup>(1)</sup> OJ No L 326, 17. 12. 1994, p. 2. Decision as last amended by Decision 95/552/CFSP (OJ No L 313, 27. 12. 1995, p. 1).

2. In order to ensure the gradual transfer of the responsibilities exercised by the European Union representatives to the newly elected unified local administration, and, consequently, to ensure the objective of the phasing out of the EUAM over a period ending as soon as possible after 23 July 1996, and, in any case, not later than 31 December 1998, the European Union hereby appoints Sir Martin Garrod as its Special Envoy in Mostar. In addition, the action of the Special Envoy shall have as its objective to ensure the rapid integration of Mostar into the overall structures for peace implementation in Bosnia and Herzegovina.

3. The European Union notes that the provisions of the Memorandum of Understanding remain in force and apply, *mutatis mutandis*, to the new form of the European Union presence in the town, with the exception of the provisions that are directly linked to the task of the EUAM.

*Article 2***Mandate of the Special Envoy**

Acting under the authority of the Presidency and in association with the Commission, and with a view to consolidation of the results achieved so far under the Memorandum of Understanding, as well as in accordance with the Rome Agreement of 18 February 1996, the Special Envoy shall have the task of promoting:

- the stabilization and strengthening of the newly elected unified administration of the town of Mostar,
- freedom of movement,
- the return to their homes in Mostar of refugees and displaced persons,
- the completion of the reconstruction projects still under way,
- the protection of human rights,
- the consolidation of a unified and effective law enforcement system,
- the implementation of the arrangements envisaged under Article 5.

*Article 3***Length of the mandate and reporting obligations**

The Special Envoy:

- is appointed for a period ending as soon as possible after 23 July 1996, and, in any case, not later than 31 December 1996,
- shall establish, in conjunction with the elected unified local authorities, a timetable for the implementation of the objectives set out in Article 1 (2),
- shall report regularly, or whenever necessary, to the Council or its designated bodies,
- may be called to report orally on developments, whenever the need arises, and
- may make recommendations to the Council on measures which the European Union might undertake in order to fulfil the objectives set out in Article 1 (2) and Article 2.

*Article 4***Offices of the Special Envoy and the Ombudsman**

1. The Special Envoy shall be supported by a reduced number of staff consistent with the objectives and tasks set out in Article 1 (2) and Article 2 respectively. The services of such staff shall be offered on the same basis as during the period of the EUAM.

2. In view of the changing nature of the European Union presence in Mostar, the Ombudsman shall continue his operations in order to deal with cases pending on 22 July 1996, subject to the provisions of Article 9.

*Article 5***Financial provisions**

1. All assets and liabilities of the EUAM shall be transferred to the Special Envoy's Office upon expiry of the EUAM and shall be managed in order to serve the objectives set out in Article 1 (2) and in Article 2. After securing the uninterrupted financing of the operations of the EUAM that are to be continued by the Special Envoy's Office, the Special Envoy shall take clear decisions on the disposal of the remaining assets by the date set out in Article 1 (2), on the basis of clear procedures.

2. In order to cover the additional costs related to the mandate of the Special Envoy, a sum of ECU 3 million shall be charged to the general budget of the European Communities for 1996.

3. The financial arrangements provided for under Decision 94/790/CFSP shall apply, *mutatis mutandis*, to the operations carried out by the Special Envoy's Office.

*Article 6***Financing of a Western European Union contingent**

The tasks of the Western European Union police element as set out in Article 13 of the Memorandum of Understanding having been completed, the European Union, on the basis of the conditions agreed for the period of the EUAM, and subject to practical arrangements with the local parties, is prepared, if necessary, to finance a continuing presence in Mostar of a limited Western European Union contingent tending towards advice and training. Such financing shall be granted from the budget of the European Union Special Envoy and shall be limited to the period referred to in Article 1 (2).

*Article 7***Termination**

The Special Envoy shall bring to the attention of the local parties that the Council reserves the right to terminate at any time his mandate as well as the European Union presence in Mostar if it considers that the local parties are not fulfilling the obligations arising from the Memorandum of Understanding or are not showing genuine commitment to the reunification of the town and to cooperation with the Special Envoy.

*Article 8***Archives and registry**

On completion or termination of the mandate of the Special Envoy, the registry and archives of the EUAM and of the Special Envoy shall be deposited at the General Secretariat of the Council of the European Union.

*Article 9***Transitional provisions**

1. The Special Envoy shall be empowered to exercise, as a facilitating measure, those powers previously exercised by the European Union Administrator, as long as he is invited to do so by the local parties.

2. Decisions taken by the Special Envoy during the period referred to in paragraph 1 shall be subject to review by the Ombudsman, as provided for in Article 7a of the Memorandum of Understanding for the decisions of the European Union Administrator.

*Article 10***Final provisions**

1. This Joint Action shall enter into force on the date of its adoption.
2. It shall expire on 31 December 1996, unless the Council decides otherwise in accordance with paragraph 4.
3. It shall take effect on 23 July 1996, provided that the Presidency and the Special Envoy have previously informed the Council that they are satisfied that the local parties are committed to the objectives set out in Article 1 (2) and in Article 2 and have no objection to the Special Envoy's function, nor to the continuing implementation, *mutatis mutandis*, of certain provisions of the Memorandum of Understanding, as specified in Article 1 (3).
4. On the basis of a report by the Special Envoy, the Council shall review the implementation of this Joint

Action by 30 September 1996 with a view to deciding whether, in the light of the pace at which the phasing out of the EUAM is proceeding, this Joint Action should be brought to an end before the date provided for in paragraph 2.

*Article 11***Publication**

This Joint Action shall be published in the Official Journal.

Done at Brussels, 15 July 1996.

*For the Council*

*The President*

D. SPRING

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