

## TRANSFER OF BOSNIA AND HERZEGOVINA AIRSPACE CONTROL

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**Paris (France), 20 April 2007** - The full responsibility for and control of the airspace over Bosnia and Herzegovina was transferred from the European Force (EUFOR) to the Government of Bosnia and Herzegovina on 20 April 2007. This transfer became effective upon the signing of a Protocol between the Commander of EUFOR, Rear Admiral Hans-Jochen Witthauer, and the Minister of Transport and Communication of Bosnia and Herzegovina, Mr Božo Ljubić, during a ceremony held at the European and North Atlantic Office of ICAO in Paris on 20 April 2007.



This was the last step in the full normalisation of the airspace under the General Framework Agreement for Peace. It reaffirms the full applicability of Article 1 of the Convention on International Civil Aviation, ICAO's charter, which recognizes that every Contracting State has complete and exclusive sovereignty over the airspace above its territory. By accepting the transfer, the Government of Bosnia and Herzegovina fully assumes its obligations under the ICAO Convention, in particular Article 28 relating to the provision of air navigation facilities and standard systems.

The Protocol and its attachment were signed during a ceremony in the European and North Atlantic Office of ICAO in Paris, which was also attended by high-level officials from NATO, EUROCONTROL, European Commission and ICAO.

The programme for the ceremony was as follows:

1. Welcome and opening remarks by the ICAO Regional Director Europe & North Atlantic, Mr Karsten Theil



2. Address by Commander of European Force, Rear Admiral Hans-Jochen Witthauer



3. Address by the Minister of Transport and Communication of Bosnia & Herzegovina, Mr Božo Ljubić



4. Address by the Chairman of the ICAO European Air Navigation Planning Group, Mr Dirk Nitschke



5. Address by the ICAO Director of the Air Navigation Bureau, Ms Nancy Graham



6. Address by the NATO Director of Air Defence and Airspace Management, Mr Javier Criado



7. Signature of the Protocol by the Minister of Transport and Communication, Bosnia & Herzegovina, Mr Božo Ljubić and Rear Admiral Hans-Jochen Witthauer

Speech COMEUFOR Paris 20 04 2007

Ladies and Gentlemen,

I am Rear Admiral Hans-Jochen WITTHAUER, Commander of the EU Military Force in Bosnia and Herzegovina.

First of all, I would like to thank the ICAO (International Civil Aviation Organization) for organizing this signing ceremony and for inviting me and all the other representatives from the organizations involved in the endeavour of handing back the control over the Bosnian airspace.

The "Protocol on the release of Bosnia and Herzegovina airspace" is the last step in a long process which started almost 10 years ago and which is in line with the ongoing development of normalization and stabilization of Bosnia and Herzegovina.

The authority to regulate the command and control of the Bosnian airspace was given to the Commander of the international peace force in 1995 by the parties of the Dayton Agreement. It was also agreed that this command and control of the Bosnian airspace would be transferred back to the appropriate institutions of Bosnia and Herzegovina in a gradual fashion.

This process of handing back the command and control of the Bosnian airspace started in 1998, when the SFOR Commander delegated the responsibility to manage the upper airspace to Bosnia and Herzegovina. Similar letters of delegation were exchanged in 2000 and 2001. The last of these agreements, relating to the airspace from FL100 to unlimited, was signed by my predecessor in June 2006.

In order to finish the process, the current protocol was drafted to transfer the complete airspace and full command and control to Bosnia and Herzegovina. The drafting process was supported very valuably by the staff of the ICAO for which I would like to thank them very much.

I am glad that I am able to make this last step in the long process of handing back airspace control today and that I can finally transfer full command and control of the Bosnian airspace back to Bosnia and Herzegovina as it was envisaged in the Dayton Agreement.

The BiH Ministry of Transportation and Communication, together with many other organizations involved, has worked hard to solve some complex technical and legal problems. But today's handover should be seen in a wider context.

Control of its own airspace is just one of a number of signs that Bosnia and Herzegovina has come far since the signature of the Dayton Peace Agreement in 1995. Today I am fulfilling one of the commitments of the International Community to Bosnia: To return the airspace to its rightful owners. I think the successful and productive cooperation with the Bosnian institutions in the drafting process of the protocol shows that progress in Bosnia and Herzegovina is possible, even in the current situation when important reforms which are necessary for the European future of this country are being delayed.

Dear Minister Ljubić I am confident that this positive spirit of progress and cooperation will have some impact on the new state and entity governments in your country and will provide you with the necessary steam to tackle other pending reform projects.

I am able finally to transfer full authority for the airspace of BiH airspace to BiH authorities because the reality is one of a largely peaceful, beautiful and stable land which one day will be a full member of the European Union and NATO.

In 1996, the international military presence was 60,000 NATO troops. EUFOR will soon have a strength of only 2,500 soldiers. Our military presence is still needed but much less than before. Bosnia still needs some outside help and support to make the final steps to self-sustainable stability. There are still some important reforms to complete. Police reform has yet to start. Defence reform has still to finish. These are issues which have to be tackled as soon as possible.

But today is a real step forward despite the remaining challenges. I am happy to be here, and pleased that from today it is Bosnia and Herzegovina, and no longer EUFOR which is responsible for the control of Bosnian airspace. This marks a significant milestone in Bosnia and Herzegovina's journey. I have every confidence that Bosnia and Herzegovina will assume its sovereign responsibilities with professionalism and commitment.

Today is therefore a day of celebration. Let me express my sincere congratulations to Bosnia and Herzegovina which today has made another important step towards taking its future in its own hands.

Thank you

**SIGNING OF THE PROTOCOL ON  
RELEASE OF BOSNIA AND HERZEGOVINA AIRSPACE**

**ICAO-EUROPEAN AND NORTH ATLANTIC OFFICE  
PARIS**

**STATEMENT BY H.E. BOZO LJUBIC,  
MINISTER OF COMMUNICATIONS AND TRANSPORT OF BOSNIA AND  
HERZEGOVINA**

**Paris, 20 April 2007**

***/Check against delivery/***

Ladies and Gentlemen,  
Honorable guests,  
Dear colleagues

It is my great pleasure and honour to be here with you, today, as a Minister for communications and transport of Bosnia and Herzegovina, a duty I assumed less than two months ago.

Present event, signing of the Protocol on Release of B&H Airspace, has a remarkable and multiple significance, and I am convinced that it represents a new chapter in the history of Bosnia and Herzegovina.

This event comes at a time when all B&H institutions make new efforts decisively, in order to reconstruct our society toward acceleration of the process of social and economic transition, as well as toward Euro-Atlantic integrations.

Dear friends,

After many years, for the first time in its history, Bosnia and Herzegovina regains the airspace sovereignty above its territory.

Through successful negotiations between B&H and EUFOR, and with an active support of NATO, the initiated process of normalization within B&H airspace and wider within the Region successfully ends.

With this Protocol, Bosnia and Herzegovina assumes completely the rights and obligations defined by Chicago Convention. This will certainly facilitate the elimination of the provisions limiting the implementation of the Chicago Convention, in a sense of need for enforcement of additional measures during the procedures of navigation planning, submitting requests and issuing certificates for use of B&H airspace.

The Protocol enables the Ministry of Communications and Transport, together with B&H Directorate for Civil Aviation (BHDCA), to take over the

total responsibility for managing and regulating the requirements for the use of the airspace, as well as for providing air traffic navigation services in accordance with the European Commission requirements.

Transfer of competences in managing of the airspace indicates that Bosnia and Herzegovina has made a great progress concerning the compliance with the requirements related to provision of the corresponding navigation safety level within B&H airspace.

Signing of the Protocol confirms once again that B&H is on the right path and that in the near future we would be ready to establish our own ATM system (Air Traffic Management) based on the Development Strategy for Air Traffic Management in B&H, which will be completely harmonized with the international standards and recommended practice of ICAO, as well as with the relevant regulations defined by the European Commission.

By this Protocol it is clear that Bosnia and Herzegovina has made a great progress in the field of civil aviation, which is also mentioned in the latest situation assessment from 16 and 17 October 2006, made by the representatives of the European Commission (EUROPEAN COMMON AVIATION AREA-ECAA Assessment).

Dear friends,

All our efforts for normalization would be hardly successful without continuous help and support of the international community in B&H, EUFOR, NATO, and individual interest of their personnel to enforce the activities, which will establish preconditions for normalization process in Bosnia and Herzegovina.

I would like to use this opportunity to express to all of you my gratitude for cooperation, interest, collaboration, understanding, support in efforts for normalization and concrete support.

I express special gratitude to INTERNATIONAL CIVIL AVIATION ORGANIZATION-ICAO who was actively involved in the process of normalization and establishment of B&H institutions responsible for civil aviation in the previous period, as well as for their continuous involvement and interest in B&H concerning the implementation of the provisions defined by the Chicago Convention for each sovereign country.

Finally, I would like to thank Mr. Regional Director of ICAO – Europe and North Atlantic Mr. Karsten Theil for assuming responsibilities for intermediation concerning harmonization of the documents and organization of this ceremony.

Please allow me to say that present Protocol does not end the cooperation between Bosnia and Herzegovina and EUFOR or NATO, on the contrary, from now on, NATO/EUFOR are becoming our partners and one of the users of B&H airspace, what is regulated by Annex of the Protocol which we are going to sign today.

\* Last but not least, allow me to share with you one part of discussion of yesterday's session of B&H Council of Ministers. When we discussed about the Protocol on Release of B&H Airspace as well as its Annex reaffirming the right to COMEUFOR and EUFOR/NATO to use BH airspace freely and unrestrictedly, all the members of the Council have unanimously approved this Protocol and Annex. Than one of my colleagues asked me a question: Minister could you respond me for how long this Annex will be in force and for how long the EUFOR and NATO would be free to use the Bosnia and Herzegovina airspace? I replied I expect forever, because I hope that Bosnia and Herzegovina will join NATO and EU very soon and B&H airspace will be our common airspace.

Thank you for your attention.



## **Signing of the Protocol on Release of Bosnia & Herzegovina Airspace**

20 April 2007

### **Address by Mr Dirk Nitschke Chairman of the European Air Navigation Planning Group**

As Chairman of the European Air Navigation Planning Group, I would like to express, on behalf of the other 53 States in the European Region of ICAO, the warmest congratulations to Bosnia and Herzegovina on the achievement that we are celebrating here today.

The full transfer of the responsibility of the airspace from EUFOR to the Government of Bosnia and Herzegovina is an important step towards the complete normalisation of the airspace over Bosnia and Herzegovina. The States in the European Region of ICAO are most pleased to congratulate Bosnia and Herzegovina today on this occasion.

Allow me to recall, that it has been a long and, sometimes difficult, path to follow in order to reach this event. Many small, but important steps had to be taken since the moment the Dayton Agreement was signed, until the present-day situation was reached.

Together with Bosnia and Herzegovina, many organizations and individuals have been involved and have enthusiastically contributed to achieve today's result. I think about the Office of the High Representative; the European Civil Aviation Conference; Eurocontrol; the European Commission; SFOR and later EUFOR; NATO; and – last but not least – the International Civil Aviation Organization. We have to commend today the sustained effort of the Government of Bosnia and Herzegovina, with the continued support from the Office of the High Representative, to establish a functioning civil aviation administration. Only through that common effort has it been possible to arrive at today's signing of the Protocol on the full transfer of responsibilities together with its Annex that will ensure the implementation of the European principles for civil/military sharing of the airspace.

This transfer of responsibility from EUFOR to the Government of Bosnia and Herzegovina brings to the end a phased approach that started in 2000 with the opening of the upper airspace to civilian air traffic. It offers new horizons for the development of civil aviation in Bosnia and Herzegovina, but it also raises new challenges. The effect of this transfer is the immediate and complete applicability of the Chicago Convention provisions in the airspace above Bosnia and Herzegovina. These provisions mean not only privileges but also responsibilities for the Government of Bosnia and Herzegovina.

It is a long standing tradition in the European Air Navigation Planning Group that the burdens of these responsibilities are carried in common in an atmosphere of friendship and cooperation. I am pleased to welcome the civil aviation authorities of Bosnia and Herzegovina to the family, and I can promise the full support of the Group and its Secretariat, the European and North Atlantic Office of ICAO.

– END –



**Signing of the Protocol on  
Release of Bosnia & Herzegovina Airspace  
(20 April 2007)**

**Address by Ms Nancy Graham  
Director of the Air Navigation Bureau**

Good morning ladies and gentlemen. It is a pleasure for me to take part in the signing ceremony today. The President of the Council of ICAO, Mr. Roberto Kobeh González, regrets that he could not be with us on this historic occasion and has asked me to convey the following message on his behalf.

*“The signing of this Protocol culminates years of exemplary collaboration involving my predecessor Dr. Assad Kotaite and the ICAO Paris office, with the Government of Bosnia and Herzegovina, the Office of the European Union Special Representative, the European Force (previously the Stabilisation Force) and the North Atlantic Treaty Organisation (NATO).*

*Together, we were able to overcome a number of technical and political obstacles on our way to the full normalization of the airspace and thereby reinstate the full applicability of Article One of the Chicago Convention.*

*On behalf of the Council of ICAO, I wish to extend to the members of both the European Force and the Stabilisation Force, our most sincere appreciation for effectively managing the airspace of Bosnia and Herzegovina during this period. I also wish to thank NATO for their invaluable support in this endeavour.*

*I wish to extend my special thanks to Mr. Bozo Ljubic, Minister of Communications and Transport of Bosnia and Herzegovina, for his role in facilitating the resumption of full responsibility for the airspace by his Government. I want to assure him of our continued support during the transition period and in the fulfilment of his country’s responsibilities thereafter in fulfilling his country’s obligations under the Convention and procedures established by ICAO.”*

As Director of the Air Navigation Bureau and on behalf of the Secretariat of ICAO, I wish to extend my own appreciation and congratulations to all, as we mark the last step in a normalisation process that began in 1999. Throughout that period, ICAO Member States and Secretariat members were actively involved through various services and support to Bosnia and Herzegovina alongside other international organisations such as the Office of the High Representative; the European Civil Aviation Conference, the European Commission; Eurocontrol, NATO, SFOR and later EUFOR.

I take this opportunity to highlight the roles played by General Pilotto of the Italian Air Force and Generals DeMonchay, Duburg and de Goesbriand of the French Army, who were most helpful in supporting the efforts of ICAO in achieving the outcome we are commemorating today.

A warm “thank you” also to all our other partners in this timely endeavour. Without their continued engagement, passion, funds, expertise and practical assistance, the ICAO Secretariat would not have been able to assist Bosnia and Herzegovina as it did.

The exemplary spirit of cooperation which has characterized our dealings throughout this endeavour bodes well for the future and my colleagues and I look forward to working with Bosnia and Herzegovina in ensuring the successful management of air navigation operations in the country.

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**ADDRESS OF NATO DASG ADAM, J. CRIADO  
TO THE CEREMONY OF RELEASE OF BIH AIRSPACE**

**hosted by ICAO European and North Atlantic Office in Paris on 20 April 2007**

(time expected: 14:55-15:05)

Dear Karsten,  
Ladies and Gentlemen,

Let me start my brief notes expressing the appreciation of the Secretary General and of the whole North Atlantic Alliance for the remarkable achievement that we have the honour to celebrate today.

The Alliance and NATO nations have played a crucial role in the stabilisation of Bosnia and Herzegovina after Dayton accords that ended the war in November 1995.

For 8 years, from December 1996 to December 2004, NATO Stabilisation Force (SFOR) ensured the necessary security environment to contribute to the consolidation of peace. Full implementation of the Peace agreement encompassed also several non-military aspects in which NATO's supporting role has been crucial, including the normalisation of the aviation sector.

As you know, since the late '90s, NATO Headquarters has been organising bi-annual Balkans Aviation Normalisation Meetings with the aim to assess the aviation normalisation process in the region and to agree the way ahead as required.

Being Deputy Assistant Secretary General for Air Defence and Airspace Management since January 2004, I chaired all the last Balkans Aviation Normalisation Meetings and today, in celebrating this great accomplishment for Bosnia and Herzegovina, I am also proud for the undeniable role played by the Balkan's Aviation Normalisation Meetings in steering this result.

In fact, after the termination of SFOR operation and under the provisions of UNSCR 1551, the EU started the Operation Althea with recourse to NATO assets and capabilities in accordance with Berlin Plus Framework. As a consequence of that, COMEUFOR was designated the Airspace Control Authority with the support of NATO, as specified in the "Agreement for the Provision of NATO support to the EU for the Command and Control of the Airspace of the Federation of Bosnia and Herzegovina". This Agreement, that outlined the responsibilities between NATO and EU for the air operations in BiH, identified my Directorate as the focal point for all contacts with the International Aviation community and the Balkans Aviation Normalisation Meetings have been the principal instrument I have used to that end.

With regard to the airspace release, you will recall the "Protocol on the Limited Delegation of Airspace Management" signed by COMEUFOR and the Minister of Communications and Transport of Bosnia and Herzegovina (BiH) in June 2006 that, however, did not relieve COMEUFOR from the accountability and liability issues related to his function of Airspace Control Authority.

You will recall as well that the NATO and EUFOR acknowledged that there were not military operational requirements that could hamper the release of the entire airspace authority to BiH. This paved the way to the subsequent decision to further explore the feasibility of a full transfer of airspace authority and responsibility, with the support of ICAO Paris office that generously volunteered to facilitate this ambitious task.

However, all this would not have been possible without the important progresses that BiH has made in the last years in building an efficient and effective civil aviation authority, capable to carry out fundamental regulatory, planning and managerial functions for the future of the aviation sector of the country, as recognised also by ICAO, EUROCONTROL and the European Commission. So, my congratulation and recognition to BiH authorities for their commitment and achievements.

The accomplishments of the Government of BiH were also officially acknowledged in November 2006, when NATO Heads of State and Government at their Summit in Riga decided to invite BiH to join the Partnership for Peace programme. Consequently, BiH authorities have been invited to join the NATO Air Traffic Management Committee. This will allow all of us to continue to be in touch for further consultation and cooperation.

Once more, I could only extend my gratitude to all of you, which together with my staff, have made possible to stick with the stringent dates and to achieve a satisfactory agreement for both the Government of Bosnia and Herzegovina and EUFOR.

I want finally to express my special thanks to Mr. Karsten Theil, Mr. George Firican and the whole of ICAO Paris for their invaluable support and expertise that have been instrumental in achieving this very important result in the expected timeframe.