

Decision establishing an Interim Arrangement to run the Mostar Airport

In accordance with my authority under Annex 10 of the Peace Agreement and Article XI of the Bonn Document, I take the following decision:

As the Annex to the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina (hereinafter the Dayton Agreement) stipulates that the responsibilities of the City of Mostar shall include Mostar Airport (Article 5),

taking into account the Memorandum of Understanding between SFOR and the Council of Ministers of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina regarding the Modalities for the Opening of the Mostar Airport to Civilian Air Traffic,

given the importance of a fully functioning airport for the development of the region,

given also the special situation concerning Mostar Airport as the only airport specifically mentioned in the Dayton Agreement,

failing agreement on the opening of the airport with the competent authorities despite extensive discussion and the insistence by the High Representative of the urgency of the matter,

in the understanding that this Arrangement does not set any precedent or in any other way affects any situation not directly covered by this Arrangement,

I will allow for the opening of the Mostar Airport for civilian air traffic under the following conditions:

Article 1

An Interim Mostar Airport Authority (the Interim Authority) shall be established and the necessary tasks undertaken so that Mostar Airport (the Airport) can be opened for the civilian flights within one month from the date of this Arrangement.

Article 2

The Interim Authority shall consist of seven persons, three of whom shall be nominated by the Mayor of the City of Mostar, three of whom shall be nominated by the Deputy Mayor of the City of Mostar and one international representative, as the Chairman, who shall be nominated by the High Representative.

The names of the persons nominated by the Mayor and Deputy Mayor shall be forwarded to the High Representative within 10 days from the date of this Arrangement. The nominations are subject to confirmation by the High Representative.

The members of the Interim Authority shall be professional persons of recognised standing who shall not have any financial interest in the running of the Airport and shall not hold any elected or appointed public office. They must reside within the Mostar Standard Municipal Statistical Area. These conditions do not apply to the Chairman.

Article 3

Decisions of the Interim Authority shall be taken by consensus. If consensus cannot be achieved, decisions will be taken by a majority vote of all members of the Interim Authority present and voting.

The Chairman may, in the interest of the proper functioning of the Airport, in case that no consensus nor majority vote can be obtained, or if the majority is obtained at a very unbalanced meeting, decide a matter in consultation with the High Representative.

The members of the Interim Authority shall not be held personally liable for any acts or obligations undertaken by

the Interim Authority in the exercise of their functions.

The Interim Authority shall adopt its own rules of procedure, taking into account the above provisions.

Article 4

The Interim Authority shall regularly report on its activities to the Mostar City Council. In addition, the Chairman is responsible to and shall regularly report to the High Representative.

The International Chairman of the Interim Authority can designate as many persons as he deems necessary who shall assist him in carrying out his tasks.

Article 5

For the time being, the provisions in Articles 4 to 9 and 18 and 19 of the draft Mostar Airport Authority Statute, presented on 3 December 1997 under the name Mostar Regional Airports Authority Act of 1997, which is attached to this Arrangement as Annex 1, shall apply regarding the Interim Authority. This does not include the provisions in the mentioned Articles which refer to other airports developed within the Mostar area.

Article 6

The operating of the Airport shall be carried out by "ZRACNA LUKA MOSTAR" (the Company) in accordance with the rules and regulations issued by the Interim Authority, the Memorandum of Understanding between SFOR and the Council of Ministers of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina regarding the Modalities for the Opening of the Mostar Airport to Civilian Air Traffic, and any rules issued by SFOR or any successor to it.

The Company is under an obligation to register in accordance with the law of the Federation, once a proper registration system is established.

At different levels of responsibility, the Company undertakes to employ the staff, initially at least 30 per cent of which shall consist of persons who are not of Croat nationality. The Company shall endeavour to employ, at the end of the period of six months, staff in accordance with the requirements of the Federation Constitution.

The International Chairman of the Interim Authority shall determine the compatibility of the activities and the legal status of the Company with all rules and regulations indicated in this Interim Arrangement.

Article 7

All airport equipment shall carry the inscription "Mostar Airport Authority".

Article 8

The Interim Authority shall determine how to fix, revise, charge and collect fees and charges for the use of the Airport.

The Interim Authority shall determine the way in which all revenue accruing from the use of the Airport shall be invested in the running of the Airport.

Article 9

The Interim Authority shall conclude the necessary agreements with the Bosnia and Herzegovina and the Federation Ministries concerned. The Interim Authority shall ensure that international rules based on ICAO standards relevant for the running of the Airport are applied.

Article 10

This Interim Arrangement shall stay in force for six months from the date of its signature or until such time as the High Representative may decide.

The Mostar City Authority shall during the period of this Arrangement continue discussions to establish a

permanent solution in cooperation with the Interim Authority and the High Representative. Any permanent solution shall be in line with this Interim Arrangement, with the draft Mostar Airport Authority Statute and with the Memorandum of Understanding between SFOR and the Council of Ministers of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina regarding the Modalities for the Opening of the Mostar Airport to Civilian Air Traffic.

Sarajevo, March 1998

Carlos Westendorp
High Representative

Office of the High Representative