



Treaty Series No. 25 (1938)

[Reprint of "Union of South Africa Treaty Series No. 5 (1937)"]

Agreement

between His Majesty's Government in the Union of
South Africa and the Portuguese Government
for

Air Services between South Africa and Portuguese East Africa

Pretoria, June 18, 1937

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;

26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;

80, Chichester Street, Belfast;

or through any bookseller

1938

Price 2d. net

Cmd. 5707

AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN THE
UNION OF SOUTH AFRICA AND THE PORTUGUESE
GOVERNMENT FOR AIR SERVICES BETWEEN SOUTH
AFRICA AND PORTUGUESE EAST AFRICA.

Pretoria, June 18, 1937.

No. 1.

Dr. Botha to Senhor F. da Fonseca.

Sir,

Pretoria, June 18, 1937.

I HAVE the honour, on behalf of the Acting Minister of External Affairs, to inform you that, with a view to establishing facilities for the operation of Air Services between the Union of South Africa and Portuguese East Africa, the Government of the Union of South Africa proposes to enter into an agreement with the Government of the Portuguese Republic in the following terms:—

1. The Government of the Union of South Africa agrees that Portuguese civil aircraft, the property of a Portuguese public service or of a Portuguese air navigation company or companies, designated by the Portuguese Government, shall have the right to fly over and land in the Union of South Africa (including the adjacent territorial waters) on a regular air route to be established between Germiston and Lourenço Marques. The Union Government further agrees that such Portuguese public service or Portuguese company or companies shall have the right to operate the aforesaid air route independently or, by mutual consent, in collaboration with a Union public service or Union air navigation company or companies.

2. The Portuguese Government agrees that Union civil aircraft, the property of a Union public service or of a Union air navigation company or companies, designated by the Government of the Union of South Africa, shall have the right to fly over and land in Portuguese East Africa (including the adjacent territorial waters) on a regular air route to be established between Germiston and Lourenço Marques. The Portuguese Government further agrees that such Union public service or Union company or companies shall have the right to operate the aforesaid air route independently or, by mutual consent, in collaboration with a Portuguese public service or Portuguese air navigation company or companies.

3. The Portuguese Government further agrees that civil aircraft of the Union operating on the air route to be established between Germiston and Lourenço Marques shall have the right to land on the military aerodrome at Lourenço Marques pending the construction of a fully equipped civil aerodrome.

4. Each Government undertakes to notify the other Government of the date of the commencement of the operation of this air route, and of the aerodromes and landing places which it intends to use, and also undertakes to cause the necessary meteorological information to be furnished.

5. The two Governments agree to authorise the despatch and receipt, free of charge, of wireless messages between aircraft in flight and the wireless stations at the aerodromes or any other wireless station in the territories of the contracting parties, in connection with the following matters:—

- (1) Assistance.
- (2) Urgency.
- (3) Safety.
- (4) Wireless messages to airmen.
- (5) Departure and arrival.
- (6) Position.
- (7) Meteorological information.

6. The two Governments further agree that the conveyance of air mails shall form the subject of direct agreement between the respective Postal Administrations and the public services or companies mentioned in Articles 1 and 2.

7. Each Government agrees that the public services or the air navigation companies operating the air route which forms the subject of this Agreement, shall have the right to keep the necessary reserve aircraft and motors in bond in the territory of the other Government, so that they may at short notice be taken out and equipped, without payment of the usual Customs duties.

8. The operation of the said air route shall be governed by the provisions of the Convention of the 13th October, 1919, relating to the Regulation of Aerial Navigation and by the laws and regulations in force in the respective territories.

9. It is understood that the concession granted in this Agreement is not of an exclusive nature. Both Governments reserve the full right to authorise the establishment of other air routes in their respective territories.

10. This Agreement shall remain in force for a period of five years. At the end of that period it may be denounced by means of one year's previous notice given by either of the Governments to the other.

If the Portuguese Government is agreeable to the conclusion of an agreement in the foregoing terms, the present Note and your reply in similar terms will be regarded as constituting a formal agreement between the two Governments, with effect from the date of your reply hereto.

I have, &c.
P. R. BOTHA,
Acting Secretary for External Affairs.

No. 2.

Senhor F. da Fonseca to General Smuts.

Legação de Portugal,

Senhor Ministro,

Pretoria, 18 de Junho de 1937.

Em resposta á Nota que V.Exa. me dirigiu com data de hoje, tenho a honra de comunicar que o Governo da Republica Portuguesa, tendo em vista facilitar o estabelecimento de serviços aereos entre a Africa Oriental Portuguesa e a União da Africa do Sul, aceita concluir com o Governo da União Sul Africana um acordo nos seguintes termos :

1. O Governo da União da Africa do Sul concorda em que aeronaves civis portuguesas, pertencentes a um serviço publico português ou a uma companhia ou companhias portuguesas de navegação aerea designadas pelo Governo Português, tenham o direito de sobrevoar e de aterrar na União da Africa do Sul (incluindo as respectivas aguas territoriais adjacentes) numa carreira aerea regular a estabelecer entre Germiston e Lourenço Marques. Concorde igualmente que esse serviço publico português ou essa companhia ou companhias portuguesas tenham o direito de trabalhar independentemente ou de commum acordo em colaboração com um serviço publico da União ou com uma companhia ou companhias de navegação aerea da União na exploração da mencionada carreira.

2. O Governo Português concorda em que as aeronaves civis da União pertencentes a um serviço publico da União ou a uma companhia ou companhias de navegação aerea da União designadas pelo Governo da União da Africa do Sul tenham o direito de sobrevoar e de aterrar na Africa Oriental Portuguesa (incluindo as respectivas aguas territoriais adjacentes) numa carreira aerea regular a estabelecer entre Germiston e Lourenço Marques. Concorde igualmente que esse serviço publico da União ou essa companhia ou companhias da União tenham o direito de trabalhar independentemente ou de commum acordo em colaboração com um serviço publico português ou com uma companhia ou companhias de navegação aerea portuguesas na exploração da mencionada carreira.

3. O Governo Português concorda ainda que as aeronaves civis da União empregadas na ligação aerea a estabelecer entre Germiston e Lourenço Marques tenham o direito de aterrar no aerodromo militar de Lourenço Marques emquanto nesse local não fôr construido um aerodromo civil em perfeito funcionamento.

4. Cada Governo compromete-se a notificar o outro Governo da data do inicio da exploração desta carreira aerea e dos aerodromos e campos de recurso que pretende utilizar, comprometendo-se, tambem, a providenciar no sentido de serem garantidas as informações metereologicas.

5. Os dois Governos concordam em autorisar, livre de encargos, o envio a recepção de mensagens de T.S.F. entre as aeronaves om

vão e as estações de T.S.F. dos aerodromos ou qualquer outra estação de T.S.F. nos territorios das partes contratantes, referentes aos seguintes assuntos :

- (1) Socorro.
- (2) Urgencia.
- (3) Segurança.
- (4) Aviso aos navegadores aereos por T.S.F.
- (5) Partida e chegada.
- (6) Posição.
- (7) Informação metereologica.

6. Os dois Governos concordam tambem que o transporte de correio aereo seja objecto de acordos directos entre as Administrações postais respectivas e os serviços publicos ou companhias indicadas nos artigos primeiro e segundo.

7. Cada um dos Governos concorda que os serviços publicos ou as companhias de navegação aerea que estabeleçam a ligação objecto deste acordo tenham direito de empregar as aeronaves e os motores de reserva necessarios em deposito no territorio do outro Govêrno, de forma que possam, com curto aviso, ser retirades e equipadas sem pagamento dos direitos aduaneiros ali devidos.

8. A exploração da carreira aerea mencionada será regulada pelo disposto na Convenção que regulamenta a navegação aerea de 13 de Outubro de 1919 e pelas leis e regulamentos em vigor nos respectivos territorios.

9. Fica entendido que a concessão prevista neste acordo não tem o caracter de exclusivo. Cada um dos Governos reserva-se o pleno direito de autorisar o estabelecimento de outras carreiras aereas nos seus respectivos territorios.

10. O presente acordo vigorará pelo praso de cinco anos. Findo esse praso poderá ser denunciado, mediante aviso previo de um ano, feito por qualquer dos Governos ao outro.

Em conformidade com a proposta de V.Exa., a Nota de V.Exa. e a minha resposta, com mesma data e termos semelhantes, serão consideradas como constituindo um acordo formal entre os dois Govêrnos que produzirá efeitos a partir desta data.

Aproveito, &c.

J. B. FERREIRA DA FONSECA.

(Tránslation.)

Portuguese Legation,

Mr. Minister,

Pretoria, June 18, 1937.

In reply to your Excellency's Note of even date, I have the honour to inform you that the Government of the Portuguese Republic, with a view to facilitating the establishment of Air Services

between Portuguese East Africa and the Union of South Africa, agrees to conclude an agreement with the Government of the Union of South Africa in the following terms:—

1. The Government of the Union of South Africa agrees that Portuguese civil aircraft, the property of a Portuguese public service or of a Portuguese air navigation company or companies, designated by the Portuguese Government, shall have the right to fly over and land in the Union of South Africa (including the adjacent territorial waters) on a regular air route to be established between Germiston and Lourenço Marques. The Union Government further agrees that such Portuguese public service or Portuguese company or companies shall have the right to operate the aforesaid air route independently or, by mutual consent, in collaboration with a Union public service or Union air navigation company or companies.

2. The Portuguese Government agrees that Union civil aircraft, the property of a Union public service or of a Union air navigation company or companies, designated by the Government of the Union of South Africa, shall have the right to fly over and land in Portuguese East Africa (including the adjacent territorial waters) on a regular air route to be established between Germiston and Lourenço Marques. The Portuguese Government further agrees that such Union public service or Union company or companies shall have the right to operate the aforesaid air route independently or, by mutual consent, in collaboration with a Portuguese public service or Portuguese air navigation company or companies.

3. The Portuguese Government further agrees that civil aircraft of the Union operating on the air route to be established between Germiston and Lourenço Marques shall have the right to land on the military aerodrome at Lourenço Marques pending the construction of a fully equipped civil aerodrome.

4. Each Government undertakes to notify the other Government of the date of the commencement of the operation of this air route, and of the aerodromes and landing places which it intends to use, and also undertakes to cause the necessary meteorological information to be furnished.

5. The two Governments agree to authorise the despatch and receipt, free of charge, of wireless messages between aircraft in flight and the wireless stations at the aerodromes or any other wireless station in the territories of the contracting parties, in connection with the following matters:—

- (1) Assistance.
- (2) Urgency.
- (3) Safety.
- (4) Wireless messages to airmen.
- (5) Departure and arrival.
- (6) Position.
- (7) Meteorological information.

6. The two Governments further agree that the conveyance of air mails shall form the subject of direct agreement between the respective Postal Administrations and the public services or companies mentioned in Articles 1 and 2.

7. Each Government agrees that the public services or the air navigation companies operating the air route which forms the subject of this Agreement, shall have the right to keep the necessary reserve aircraft and motors in bond in the territory of the other Government, so that they may at short notice be taken out and equipped, without payment of the usual Customs duties.

8. The operation of the said air route shall be governed by the provisions of the Convention of the 13th October, 1919, relating to the Regulation of Aerial Navigation and by the laws and regulations in force in the respective territories.

9. It is understood that the concession granted in this Agreement is not of an exclusive nature. Both Governments reserve the full right to authorise the establishment of other air routes in their respective territories.

10. This Agreement shall remain in force for a period of five years. At the end of that period it may be denounced by means of one year's previous notice given by either of the Governments to the other.

In conformity with your Excellency's proposal, your Excellency's Note and my reply of the same date and in similar terms shall be regarded as constituting a formal agreement between the two Governments with effect from that date.

I avail, &c.

J. B. FERREIRA DA FONSECA.