

N° 2738.

BELGIQUE ET FRANCE

Convention pour l'établissement et l'exploitation d'une ligne aérienne Belgique-France-Congo, avec annexe. Signées à Bruxelles, le 23 mai 1930.

BELGIUM AND FRANCE

Convention for the Establishment and Working of an Aerial Line of Communication Belgium-France-Congo, with Annex. Signed at Brussels, May 23, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 2738. — CONVENTION ² BETWEEN BELGIUM AND FRANCE FOR THE ESTABLISHMENT AND WORKING OF AN AERIAL LINE OF COMMUNICATION BELGIUM-FRANCE-CONGO. SIGNED AT BRUSSELS, MAY 23, 1930.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place June 26, 1931.

HIS MAJESTY THE KING OF THE BELGIANS and HIS EXCELLENCY THE PRESIDENT OF THE FRENCH REPUBLIC, being desirous of promoting the development of the air communications of Belgium and France with French and Belgian territories in Africa, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Paul HYMANS, His Minister for Foreign Affairs ;
M. Maurice LIPPENS, His Minister of Transport, and

HIS EXCELLENCY THE PRESIDENT OF THE FRENCH REPUBLIC :

M. LAURENT-EYNAC, His Air Minister,

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following Articles :

CHAPTER I.

Article 1.

The French Government grants to the Belgian Government the right to fly over the following territories with the necessary technical landings :

- (1) The home territory from the Franco-Belgian frontier to Marseilles or Perpignan ;
- (2) French territorial waters in the section Marseilles-Algiers (or Oran) ;
- (3) French territory in Africa :
 - (a) Territory of Algeria and French West Africa from Algiers (or Oran) to Lake Chad by the route fixed in the annex to the present Convention.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Paris, May 13, 1931.

(b) Territory of French Equatorial Africa from Lake Chad to the frontier of the Belgian Congo (Bangui-Libenge) by the route fixed in the annex to the present Convention.

Article 2.

The Belgian Government grants to the French Government the right to fly over the territory of the Belgian Congo with the necessary technical landings, to connect :

- (a) Bangui-Libenge with the Rhodesian frontier via Bandundu, Luluabourg and Elisabethville ;
- (b) Bangui-Libenge with Brazzaville via Bandundu and Leopoldville ;
- (c) French Equatorial Africa with Angola by the most direct route to be determined by common agreement.

CHAPTER II.

Article 3.

Each of the High Contracting Parties agrees that the Belgium-France-Congo air service shall be operated jointly over a route fixed by the Governments of the two countries and specified in the annex to the present Convention.

Article 4.

The Belgian company shall alone operate the initial section Antwerp-Brussels-Paris.

The Paris-Elisabethville section shall be operated jointly by two companies, one Belgian and the other French, appointed by their respective Governments. The two Governments reserve the right to replace the undertaking operating the line after not less than six months' nor more than one year's notice.

Pending the extension of the line beyond Elisabethville, the Paris-Elisabethville section shall only be operated jointly as far as Bangui-Libenge.

The two companies shall conclude agreements for the joint operation of the sections of the line, and also of a branch line Bangui-Libenge-Leopoldville-Brazzaville (or Brazzaville-Leopoldville). They may also, if they think fit, conclude agreements for the operation of other connecting or branch lines.

Article 5.

Conditions being equal, the Belgian Government shall give preference to the Belgian company for the transport of the following air mails :

Air mails despatched from Belgium to the African territories crossed by the line beyond Algiers (or Oran) and to territories beyond the Belgian Congo.

Air mails despatched from the Belgian Congo to African territories crossed by the line and to Europe.

This preference shall not apply to mails exchanged between landing-places situated in the Belgian Congo.

The Belgian Government also undertakes not to grant subsidies to any other company for the Belgium-France-Congo service during the validity of the present Convention.

Conditions being equal, the French Government shall give preference to the French company for the transport of the following air mails ;

Air mails despatched from France to the African territories crossed by the line beyond Algiers (or Oran) and to territories beyond the Belgian Congo ;

Air mails despatched from French African possessions to African territories crossed by the line and to Europe.

This preference shall not apply to mails exchanged between the various landing-places from Algiers (or Oran) to Bangui.

The French Government also undertakes not to grant subsidies to any other company for the above-mentioned service during the validity of the present Convention.

Article 6.

Each company shall share fully and exclusively with the company of the other country the privileges resulting from the previous Article or any other traffic privileges accorded to it by its Government, apart from those specially reserved for internal traffic as stipulated in paragraphs 2 and 5 of the previous Article.

Article 7.

In addition to the ordinary postal charges of every description, air mails shall be subject to a surtax to be fixed by common agreement. The surtaxes levied by the postal administrations of the countries crossed shall be based on the same scale of weights. They shall be fixed according to the equivalent fee paid to the air carriers by the administrations of the countries crossed, on the understanding that this fee shall be increased so as to take into account the charges borne by the postal service.

The tariffs shall be based on the gold franc as defined in Article 28 of the Universal Postal Convention¹ of London ; they shall be converted at the legal rate into the currency of the contracting countries ; if necessary they shall be increased to the nearest ten centimes to bring them up to a round figure.

Postal packets sent by air shall be regarded as part of the air mails. The transport conditions applicable to them shall, however, be determined later by agreement between the companies and administrations concerned. The relevant charges shall be fixed on the same principles as above.

Surtaxes may only be revised by agreement between the High Contracting Parties as laid down in Article 14 below, and in accordance with the regulations concerning air mails.

Air mails shall have priority over any other freight.

Article 8.

The privileges granted and the obligations imposed by the Postal administrations under the authority of the High Contracting Parties shall be the same for both companies.

Article 9.

Each of the High Contracting Parties undertakes to organise and maintain in the territories under its sovereignty the ground equipment required for the Belgium-France-Congo service.

¹ Vol. CII, page 245 ; Vol. CVII, page 552 ; and Vol. CXVII, page 310, of this Series.

This equipment, the broad outlines of which are indicated in the annex to the present Convention, shall be defined by agreement between the two Governments. It shall be organised in such a way as to ensure at the earliest possible moment the operation of a regular air service both by day and by night.

Both the French and Belgian companies may utilise this ground equipment on the same conditions, provided they comply with the relevant rules laid down by the Governments.

The fees and charges payable for the use of this equipment shall be fixed by agreement between the Governments of the two countries.

Article 10.

Each of the High Contracting Parties undertakes, during the period of validity of the present Convention, and within the limits of the credits granted, to furnish the company operating the line with the financial assistance necessary for its regular working.

Article 11.

The service on the joint section of the line shall be operated alternately by the French and Belgian companies, except in circumstances of an essentially temporary nature, recognised as such by both companies, resulting, for instance, from the necessity of coping without delay with a sudden increase in traffic.

The regular service shall consist of one journey weekly in each direction ; it may be increased, if necessary, by agreement between the two Governments.

The regular service may be supplemented, according to traffic requirements, by additional journeys, the total number of which may not exceed ten a year, unless a special decision is taken by the two Governments in agreement.

Article 12.

Each of the two operating companies shall be bound to accept for transport postal matter handed over to it at any landing-place on the line.

Article 13.

The two companies shall conclude agreements laying down the details of their technical and commercial collaboration, the conditions under which they may exceptionally replace each other, the apportionment of the joint working expenses and that of the traffic, according to a formula which shall strike a balance between the two on the joint section of the line.

The proposed service may not come into operation until the initial agreement is in force.

Article 14.

Each of the High Contracting Parties must approve, prior to their entry into force :

All agreements between the Belgian company and the French company ;

Any modification of or addition to such agreements ;

All matters concerning postal surtaxes, tariffs and time-tables.

Article 15.

The present Convention shall be valid for a period of ten years from the first day of the month following the exchange of ratifications. It shall then be prolonged by tacit consent for ten-yearly periods, unless notice is duly given two years before the expiry of any ten-yearly period.

Article 16.

Should either of the High Contracting Parties decide, for any reason whatsoever, temporarily or finally to abandon the operation of the line, the other High Contracting Party shall retain the right to operate it under the conditions laid down in the present Convention, for the whole period of its validity.

Article 17.

Should any dispute arise in regard to the interpretation or application of the present Convention, the High Contracting Parties agree to submit the dispute to arbitration, or, if they are unable to agree upon the choice of an arbitrator, to the Permanent Court of International Justice for its decision.

Article 18.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris. This Convention shall come into force on the first day of the month following the exchange of ratifications.

Done in duplicate at Brussels on the twenty-third day of May, one thousand nine hundred and thirty.

(L. S.) Paul HYMANS.

(L. S.) LAURENT-EYNAC.

(L. S.) Maurice LIPPENS.

ANNEX

TO THE CONVENTION CONCLUDED THIS DAY BETWEEN THE BELGIAN AND FRENCH GOVERNMENTS FOR THE ESTABLISHMENT AND OPERATION OF A BELGIUM-CONGO AIR SERVICE.

The Belgian and French Governments agree to adopt, on the first section of the Belgium-France-Congo line, a provisional route passing through Antwerp, Brussels, Paris, Marseilles (or Perpignan), Algiers (or Oran), Aoulef (or Adrar), Gao, Zinder, Lake Chad, Fort Lamy, Fort Archambault, Bangui, Libenge, Coquilhatville, Bandundu, Port-Francqui, Luluabourg, Bukama, Elisabethville.

This route shall be followed until further studies make it possible finally to fix the most convenient route for this service.

The provisional route mentioned above shall be adequately fitted up so as to enable the line to be opened for traffic as far as possible in 1930 with complete safety for the aircraft of the line.

In principle, the equipment of the African section of the line shall consist of :

A. — In French territory ;

(a) A landing-ground with a hangar measuring approximately 35 × 45 (metres), repair-shed, refuelling station, meteorological and wireless installations at Algiers, El Golea, Aoulef (or Adrar), Gao, Niamey, Zinder, N'Guigmi, Fort Lamy, Fort Archambault, Bangui.

(b) Emergency landing-grounds established according to requirements — in principle, every 50 kilometres.

There shall be :

- 13 between Algiers and El Golea.
- 8 between El Golea and Aoulef (or Adrar).
- 6 between Aoulef (or Adrar) and Gao, in addition to 15 mark-posts.
- 3 between Gao and Niamey.
- 6 between Niamey and Zinder.
- 5 between Zinder and N'Guigmi.
- 3 between N'Guigmi and Fort Lamy.
- 4 between Fort Lamy and Fort Archambault.
- 4 between Fort Archambault and Bangui.

B. — In Belgian territory :

(a) A landing-ground with two hangars measuring approximately 33 × 36 metres, repair shed, re-fuelling station, and meteorological station, at Coquilhatville, Bandundu, Luluabourg, and Elisabethville.

(b) A landing-ground with re-fuelling station at Libenge, Inongo, Baminga-Eolo, Port-Francqui, Luputa, Kamina, Bukama, N'Gulé and Léopoldville.

(c) Emergency landing-grounds established according to requirements — in principle about every 50 kilometres — as follows :

- 17 between Bangui and Coquilhatville.
- 12 between Coquilhatville and Bandundu.
- 19 between Bandundu and Luluabourg.
- 30 between Luluabourg and Elisabethville.
- 7 between Bandundu and Léopoldville.

(d) Ground wireless installations ensuring communication between the stations and also with aircraft in flight, at Libenge, Coquilhatville, Inongo, Bandundu, Baminga-Eolo, Port-Francqui, Luluabourg, Luputa, Kamina, N'Gulé, Elisabethville and Léopoldville ;

(e) Ground wireless installations for the meteorological protection of the Belgium-France-Congo line at Stanleyville, Lisala, Boendu, Lusambo, Albertville and Banana.

The Belgian company appointed by the Government is the Société Anonyme Belge d'Exploitation de la Navigation Aérienne (SABENA).

The French Government shall appoint, within three months of the ratification of the present Convention, the company entrusted with the operation of the line, it being understood that on the Paris-Marseilles-Algiers section it reserves the right to make use of the lines already in existence.

Done in duplicate at Brussels on the twenty-third day of May, one thousand nine-hundred and thirty.

(L. S.) Paul HYMANS.

(L. S.) LAURENT-EYNAC.

(L. S.) Maurice LIPPENS.