

No. 2707

**BELGIUM
and
UNION OF SOUTH AFRICA**

Agreement relating to air services between their respective territories. Signed at Brussels, on 13 September 1954

Official texts: English and French.

Registered by Belgium on 30 October 1954.

**BELGIQUE
et
UNION SUD-AFRICAINE**

Accord relatif aux services aériens entre leurs territoires respectifs. Signé à Bruxelles, le 13 septembre 1954

Textes officiels anglais et français.

Enregistré par la Belgique le 30 octobre 1954.

No. 2707. AGREEMENT¹ BETWEEN THE GOVERNMENT OF BELGIUM AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA, RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT BRUSSELS, ON 13 SEPTEMBER 1954

Article 1

For the purposes of the present agreement —

- a) the term “territory” in relation to a party to this agreement means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate, administration or trusteeship of that party;
- b) the term “air service” means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo;
- c) the term “stop for non-traffic purposes” means a landing for any purpose other than picking up or setting down passengers, mail or cargo.

Article 2

1) The Government of the Union of South Africa agree to air services between the respective territories of Belgium and of the Union of South Africa, being operated on behalf of, and by an airline designated by, the Government of Belgium (hereinafter referred to as the designated airline).

2) The Government of Belgium grant to the Government of the Union of South Africa the right to designate an airline to operate international air services between the respective territories of Belgium and the Union of South Africa and the conditions of operating these services shall be determined later on a basis of reciprocity.

Article 3

Substantial ownership and effective control of the designated airline shall be vested in nationals of Belgium.

Article 4

The air services of the designated airline in terms of this agreement shall be operated on the following routes, in both directions in each case —

- a) Brussels–Geneva/Lisbon–Casablanca/Tripoli–Kano/Niamey–Leopoldville–Johannesburg (hereinafter referred to as the Brussels–Johannesburg route);

¹ Came into force on 1 October 1954, in accordance with article 13. This Agreement is applicable to the territories of Belgian Congo and Ruanda-Urundi.

- b) Leopoldville-Johannesburg (hereinafter referred to as the Leopoldville-Johannesburg route);
- c) Elisabethville-Bulawayo/Livingstone-Johannesburg (hereinafter referred to as the Elisabethville-Johannesburg route).

Article 5

Any or all of the intermediate points on a route set out in article 4 may be omitted on any flight at the option of the designated airline.

Article 6

1) Points on the routes specified in article 4 at which, subject where applicable to the concurrence of any third country that may be involved, traffic from or for territory of the Union of South Africa

- a) may be set down or picked up, that is, are agreed traffic stops, and
- b) may not be set down or picked up, that is, are stops for non-traffic purposes, by the designated airline : —

Country	Traffic Stops	Stops for non-traffic purposes
(i) <i>Brussels-Johannesburg route:</i>		
Belgium	Brussels	—
Switzerland or Portugal	Geneva or Lisbon	—
French Morocco or United Kingdom of Libya	Casablanca or Tripoli	—
Nigeria or French Nigeria	Kano or Niamey	—
Belgian Congo	Leopoldville	—
Union of South Africa	Johannesburg	—
(ii) <i>Leopoldville-Johannesburg route:</i>		
Belgian Congo	Leopoldville	—
Union of South Africa	Johannesburg	—
(iii) <i>Elisabethville-Johannesburg route:</i>		
Belgian Congo	Elisabethville	—
Federation of Rhodesia and Nyasaland	—	Livingstone or Bulawayo
Union of South Africa	Johannesburg	—

2) In the event of the Government of the Union of South Africa —

- a) entering into an air agreement with any country, or
- b) deciding to take up, in terms of an existing agreement, traffic rights in any country,

in which traffic rights have been conceded in terms of paragraph 1), the traffic rights so conceded may be subject to review after six months' notice to that effect to the other party to this agreement by the Government of the Union of South Africa.

Article 7

The frequencies of the air services provided by the designated airline shall not exceed

- a) twice per week on the Brussels-Johannesburg route;
- b) once per week on the Leopoldville-Johannesburg route;
- c) once per week on the Elisabethville-Johannesburg route.

Article 8

Notwithstanding the provisions of article 6 the designated airline shall not at Johannesburg pick up or set down —

- a) more than a total of eighty-eight passengers in any one week on the Brussels-Johannesburg route and on the Leopoldville-Johannesburg route; or
- b) more than forty-four passengers in any one week on the Elisabethville-Johannesburg route,

and there shall be no carry-over of unused passenger capacity from one week to any other week.

Article 9

The designated airline shall not publish or cause to be published any advertisement likely to encourage or promote on its services traffic from Great Britain to territory of the Union of South Africa or from territory of the Union of South Africa to Great Britain.

Article 10

The Government of the Union of South Africa shall have the right to suspend any air service operated in terms of this Agreement by the designated airline if the designated airline fails to comply with any law or regulation of the Government of the Union of South Africa or fails to comply with any term or condition prescribed in this Agreement: Provided that unless immediate suspension is essential to prevent further infringement by the designated airline of a law or regulation or term or condition this right shall be exercised by the Government of the Union of South Africa only after consultation with the Government of Belgium.

Article 11

The fares and rates to be charged by the designated airline and the conditions of carriage applicable shall be those agreed upon by the International Air Transport Association and approved by the Government of the Union of South Africa and the Government of Belgium.

Article 12

The designated airline shall as soon as possible at the end of each quarter render reasonable monthly traffic statistics to the Secretary for Transport of the Union of South Africa in the form and manner required by him.

Article 13

This Agreement shall come into force on the first day of October, 1954, and shall remain in force indefinitely but may be terminated by either party to this Agreement giving six months notice in writing to the other party.

DONE at Brussels this 13th day of September, 1954, in the French and English languages, both texts being equally authentic.

For Belgium :

(Signed) V. LAROCK

For the Union of South Africa :

(Signed) P. O. SAUER
