

No. 4332

**UNION OF SOUTH AFRICA
and
NORWAY**

Agreement in regard to air services (with exchange of notes). Signed at Pretoria, on 28 March 1958

Official text: English.

Registered by the Union of South Africa on 14 May 1958.

**UNION SUD-AFRICAINNE
et
NORVÈGE**

**Accord relatif aux services aériens (avec échange de notes).
Signé à Prétooria, le 28 mars 1958**

Texte officiel anglais.

Enregistré par l'Union Sud-Africaine le 14 mai 1958.

No. 4332. AGREEMENT¹ BETWEEN THE UNION OF SOUTH AFRICA AND NORWAY IN REGARD TO AIR SERVICES. SIGNED AT PRETORIA, ON 28 MARCH 1958

Article 1

For the purpose 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, 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) Subject to the Government of the Union of South Africa's reserving the right at any time to operate a reciprocal air service between the Union and Norway, the Government of the Union of South Africa agree to an air service between the respective territories of the Union of South Africa and Norway being operated by the designated airline of Norway i.e. Det Norske Luftfartselskab (DNL) (hereinafter referred to as the designated airline), co-operating with Det Danske Luftfartselskab (DDL) and Aktiebolaget Aerotransport (ABA) operating under the designation of the Scandinavian Airlines System, a joint operating organization constituted in accordance with the provisions of Chapter XVI of the Convention on International Civil Aviation (Chicago, 1944).²

(2) The air service referred to in paragraph (1) may be operated with aircraft, crews and equipment of either or both of the other two airlines participating in the Scandinavian Airlines System and the provisions of this agreement shall apply to such aircraft, crews or equipment as though they were the aircraft, crews or equipment of Det Norske Luftfartselskab (DNL) and the competent

¹ Came into force on 1 January 1958, in accordance with article 9.

² United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 420; Vol. 199, p. 362, and Vol. 252, p. 410.

Norwegian authorities and Det Norske Luftfartselskab (DNL) shall accept full responsibility for such operations.

(3) If the Government of the Union of South Africa exercise the right, in terms of paragraph (1), to designate an airline to operate an air service in terms of this agreement, the provisions of this agreement shall apply reciprocally to such airline and service.

Article 3

(1) The air service of the designated airline in terms of this agreement shall be operated on the following route in both directions :

Stockholm/Oslo/Copenhagen—Hamburg—Zurich—Vienna—Rome—Athens—Khartoum—Nairobi—Johannesburg.

(2) Any or all of the points on the route specified in paragraph (1) may be omitted on any or all flights at the option of the designated airline.

(3) Any point not included in the route specified in paragraph (1) may be so included in the route operated by the designated airline, without amending the route specified in paragraph (1), if no traffic rights are exercised between any such point and any point in the territory of the Union of South Africa.

Article 4

The frequency of the air service provided by the designated airline on the route specified in paragraph (1) of Article 3 shall be once per week.

Article 5

(1) Points on the route specified in paragraph (1) of Article 3 at which, subject 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 are—

<i>Country</i>	<i>Traffic stops</i>	<i>Non-traffic stops</i>
Union of South Africa	Johannesburg	—
Kenya	—	Nairobi
Sudan	—	Khartoum
Greece	Athens	—
Italy	—	Rome
Switzerland	—	Zurich
Austria	Vienna	—
Germany	Hamburg	—
Denmark	Copenhagen	—
Sweden	Stockholm	—
Norway	Oslo	—

(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 air 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 at any time.

Article 6

Notwithstanding the provisions of paragraph (1) of Article 5, the designated airline shall not at Johannesburg pick up or set down more than fifty-eight passengers in any one flight and there shall be no carry over of unused passenger capacity from one flight to any other flight.

Article 7

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 Norway.

Article 8

The Government of the Union of South Africa shall have the right to suspend the air service operated in terms of this agreement by the designated airline if it 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 Norway.

Article 9

(1) This agreement shall be deemed to have come into force on the first day of January, 1958, and shall remain in force indefinitely unless six months' notice in writing of termination is given by either the Government of the Union of South Africa or the Government of Norway.

(2) As from the date mentioned in paragraph (1) this agreement shall supersede the agreement in regard to an air service between their respective territories presently existing between the Government of the Union of South Africa and the Government of Norway entered into on the tenth day of January, 1953.¹

DONE at Pretoria in the English language on this twenty-eighth day of March, 1958.

For the Government
of the Union of South Africa :
(Signed) Eric H. LOUW

For the Government
of Norway :
(Signed) J. C. A. FLEISCHER

EXCHANGE OF NOTES

I

23/70

Pretoria, 28th March, 1958

Mr. Consul-General,

1. I have the honour to refer to the Air Agreement between the Union of South Africa and Norway, which was signed today,² and to inform you that the Government of the Union of South Africa, like the Government of Norway, agree that, if such action is justified by the development of traffic or operational requirements, the number of frequencies and the introduction of alternative routings may, at the request of either the Government of the Union of South Africa or the Government of Norway, be reviewed in the light of such development or requirements.

2. The Government of the Union of South Africa, like the Government of Norway, being interested in creating frequent direct connections between their respective territories, are in favour of close collaboration between South African Airways and the Scandinavian Airlines System, particularly in regard to the establishment of co-ordinated time-tables, which will have the effect of making complementary the long-distance air services operated by the airlines mentioned.

¹ United Nations, *Treaty Series*, Vol. 192, p. 105.

² See p. 84 of this volume.

3. The Government of the Union of South Africa, as a temporary measure, authorise Scandinavian Airlines System to operate through Zurich with traffic rights at that point in respect of the territory of the Union of South Africa until 31 December, 1958.

4. I suggest that this Note and your confirmatory reply thereto in similar terms be regarded as constituting an agreement between our two Governments on this matter which will have effect from the 1st January, 1958.

Please accept, Mr. Consul-General, the renewed assurance of my high consideration.

(Signed) Eric H. Louw
Minister of External Affairs

J. C. A. Fleischer, Esq.
Consul-General of Norway
Cape Town

II

ROYAL NORWEGIAN CONSULATE GENERAL PRETORIA

Jno. 395/58.

28th March, 1958

Mr. Minister,

I have the honour to acknowledge the receipt of your Note of today's date, which reads as follows :

[See note I]

In reply thereto, I have the honour to inform you that the Government of Norway are in agreement with the foregoing and that your Note and the present reply shall be regarded as constituting an agreement between our two Governments.

Please accept, Mr. Minister, the renewed assurance of my highest consideration.

(Signed) J. C. A. FLEISCHER
Consul-General for Norway

The Honourable Eric H. Louw
Minister of External Affairs
of the Union of South Africa
Pretoria