

No. 10166

**SOUTH AFRICA
and
LESOTHO**

**Agreement relating to air services (with annex). Signed
at Pretoria and Maseru on 27 and 28 September
1967, respectively**

Authentic texts: English and Afrikaans.

Registered by the International Civil Aviation Organization on 5 January 1970.

**AFRIQUE DU SUD
et
LESOTHO**

**Accord relatif aux services aériens (avec annexe). Signé
à Pretoria et à Maseru les 27 et 28 septembre 1967,
respectivement**

Textes authentiques: anglais et afrikaans.

Enregistré par l'Organisation de l'aviation civile internationale le 5 janvier 1970.

AGREEMENT¹ RELATING TO AIR SERVICES BETWEEN
THE REPUBLIC OF SOUTH AFRICA AND THE
KINGDOM OF LESOTHO

1. For the purposes of the present agreement, which shall include the Annex hereto, the term:

- (a) "aeronautical authority" means:
 - (i) in the case of the Republic of South Africa, the Minister of Transport; and
 - (ii) in the case of the Kingdom of Lesotho, the Minister of Works, Transport and Communications;or in both cases any other person authorized to perform the functions exercised by the said authority;
- (b) "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (c) "designated airline" means an airline which one party has designated in writing to the other party in accordance with the provisions of this agreement;
- (d) "Party" or "Parties" means a Party or Parties, as the case may be, to this agreement;
- (e) "territory" in relation to a Party means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, administration or trusteeship of that Party.

2. (1) The Parties grant to each other the rights specified in the Annex hereto for the operation of scheduled international air services therein described to and from their respective territories.

(2) Each Party may designate an airline for the operation of the air service specified for that Party in the Annex.

3. (1) Each Party shall subject to the provisions of paragraph 8, without undue delay deliver appropriate operating permission to the designated airline of the other Party.

(2) A designated airline may, however, before being authorized to inaugurate an air service specified in the Annex, be required to satisfy the aeronautical authority of the other Party that it is qualified to comply with

¹ Came into force on 1 August 1967, in accordance with paragraph 10.

the conditions prescribed in the laws and regulations normally applied by that aeronautical authority.

(3) Each Party reserves the right to withhold or revoke the grant of an operating permission to the designated airline of the other Party when it is not satisfied that substantial ownership and effective control of that designated airline are vested in that other Party or in citizens of that other Party.

4. The passenger fares and cargo rates to be charged by the designated airlines and the conditions of carriage applicable to each such designated airline shall be those approved by the aeronautical authorities of the Parties.

5. (1) The laws and regulations of the one Party governing entry into and departure from its territory of aircraft engaged in international air navigation or flights of such aircraft within its territory shall apply to the designated airline of the other Party.

(2) The laws and regulations relating to immigration, passports or other approved travel documents or quarantine of the one Party governing entry into, sojourn in or departure from its territory of passengers, crew, cargo or mail shall apply to passengers, crew, cargo or mail carried by the aircraft of the designated airline of the other Party while they are within the said territory.

(3) Each Party agrees not to give preference to its own designated airline over the designated airline of the other Party in the application of its regulations concerning visas, immigration, quarantine, or other regulations affecting air transportation.

6. (1) The designated airline of a Party shall, at the request of the aeronautical authority of the other Party, supply such periodic or other statements of statistics as may be necessary to determine the amount of traffic carried on its service specified in the Annex and the origins and destinations of such traffic.

(2) Discussions between representatives of the aeronautical authorities of the Parties for the purpose of reviewing the position in the light of traffic statistics shall take place from time to time.

7. Each Party undertakes, in so far as the licensing of its aircrew and the airworthiness of its aircraft, engaged in the provision of the air service in terms of this agreement, are concerned, to comply with the standards contained in the appropriate annex as adopted, in terms of Article 37 of the Convention on International Civil Aviation (Chicago, 1944),¹ and as amended from time to time.

¹ United Nations, *Treaty Series*, vol. 15, p. 295; for the texts of the protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161, and vol. 514, p. 209.

8. Notwithstanding the provisions of paragraph 3 a Party shall have the right to revoke, suspend or limit by the imposition of conditions, the operating permission granted to a designated airline of the other Party if that designated airline, in operating its air service in terms of this agreement, fails to comply with any law or regulation of the first mentioned Party or fails to comply with any term or condition prescribed in this agreement or in the Annex: Provided that unless immediate suspension is essential to prevent further infringement of a law or regulation or term or condition above mentioned, this right shall be exercised only after consultation with the other Party.

9. (1) Amendments to the Annex may be agreed upon between the aeronautical authorities of the Parties.

(2) This agreement and its Annex shall be modified to accord with any multilateral convention which may hereafter become binding on both Parties.

10. This agreement shall come into force on the first day of August 1967 and shall remain in force indefinitely unless six months notice in writing of termination is given by either Party to the other.

DONE in duplicate original in the English and Afrikaans languages, both texts being equally authentic.

For the Government of the Republic of South Africa:

B. J. SCHOEMAN

Pretoria, 27th September 1967

For the Government of the Kingdom of Lesotho:

S. R. LETSIE

Maseru, 28th September 1967

ANNEX

1. (1) The air service undertaken by the designated airline of the Government of the Republic of South Africa shall be operated on the following route in both directions: Johannesburg – Maseru.

(2) The air service undertaken by the designated airline of the Government of the Kingdom of Lesotho shall be operated on the following route in both directions: Maseru – Johannesburg.

2. The designated airline of the Government of the Republic of South Africa may exercise traffic rights at Maseru and the designated airline of the Government of the Kingdom of Lesotho may exercise traffic rights at Johannesburg in respect of the route specified in paragraph 1 of the Annex.

3. (1) The designated airline of the Republic of South Africa shall not at Maseru pick up or set down more than forty-two passengers in any week.

(2) The designated airline of the Government of the Kingdom of Lesotho shall not at Johannesburg pick up or set down more than forty-two passengers in any week.

(3) There shall be no carry-over of unused passenger capacity from one week to any other week.

4. (1) The frequency of the air service provided by the designated airline of the Government of the Republic of South Africa shall be two per week.

(2) The frequency of the air service provided by the designated airline of the Government of the Kingdom of Lesotho shall be two per week.
