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[Reprint of Union of South Africa Treaty Series No. 12 (1938)]

## Exchanges of Notes

between the Government of the Union of South Africa  
and the Portuguese Government

relating to

# Air Services between the Union of South Africa and Angola

Lisbon, October 28, 1938

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

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EXCHANGES OF NOTES BETWEEN THE GOVERNMENT OF THE  
UNION OF SOUTH AFRICA AND THE PORTUGUESE GOVERN-  
MENT RELATING TO AIR SERVICES BETWEEN THE UNION  
OF SOUTH AFRICA AND ANGOLA.

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*Lisbon, October 28, 1938.*

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No. 1.

*South African Legation,*

Sir,

*Lisbon, October 28, 1938.*

FEELING convinced that the existing bonds of friendship between the Portuguese Republic and the Union of South Africa will be appreciably strengthened by further contact between the Union of South Africa and the Portuguese Colonies in 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 Loanda and Germiston via Windhoek. 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 Angola (including the adjacent territorial waters) on a regular air route to be established between Germiston and Loanda. The route in the Portuguese territory of Angola shall start from the mouth of the Cunene along the coast, with landing at Mossamedes and Lobito; and the return by the same route. Any eventual extension of the route herein settled shall be fixed by mutual agreement. The Portuguese Government further agrees that such Union public service or Union company or companies shall have the right to operate the said air route independently or, by mutual consent, in collaboration with a Portuguese public service or Portuguese air navigation company or companies.

3. 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.
4. 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.
5. 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.
6. The operation of the said air route shall be governed by the provisions of the Convention of the 13th October, 1919,<sup>(1)</sup> relating to the Regulation of Aerial Navigation and by the laws and regulations in force in the respective territories.
7. 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 in such conditions as they may consider fit.
8. This Agreement shall remain in force for a period of five years and will be automatically prolonged by periods of one year unless it is denounced by a six months' 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 the honour to be, Sir,

Your obedient Servant,

O. PIROW.

His Excellency  
Dr. A. de Oliveira Salazar.

<sup>(1)</sup> "Treaty Series No. 2 (1922)," Cmd. 1609.

## No. 2.

*Ministerio dos Negocios Estrangeiros,*

Senhor Ministro,

*Lisboa, 28 de Outubro de 1938.*

Em resposta à nota que V.Ex<sup>a</sup>. me dirigiu com data de hoje tenho a honra de comunicar a V.Ex<sup>a</sup>. que o Govêrno português, igualmente convencido de que os laços existentes de amizade entre a República portuguesa e a União da Africa do Sul serão apreciavelmente fortalecidos por um maior contacto entre a União da Africa do Sul e as Colónias portuguesas em Africa, aceita concluir com o Govêrno da União um acordo nos seguintes termos :

1. O Govêrno da União da Africa do Sul concorda em que aeronaves civis portuguesas, pertencentes a um serviço público português ou a uma companhia ou companhias portuguesas de navegação aérea designadas pelo Govêrno português, tenham o direito de sobrevoar e de aterrar na União da Africa do Sul (incluindo as respectivas aguas territoriais adjacentes) numa carreira regular a estabelecer entre Luanda e Germiston via Windhoek. Concorde igualmente em que esse serviço público português ou essa companhia ou companhias portuguesas tenham o direito de trabalhar independentemente ou, de comum acôrdo, em colaboração com um serviço público da União ou com uma companhia ou companhias de navegação aérea da União na exploração da mencionada carreira.
2. O Govêrno português concorda em que as aeronaves civis da União pertencentes a um serviço público da União ou a uma companhia ou companhias de navegação aérea da União designadas pelo Govêrno da União da Africa do Sul tenham o direito de sobrevoar e de aterrar em Angola (incluindo as respectivas aguas territoriais adjacentes) numa carreira aérea regular a estabelecer entre Germiston e Luanda. O Govêrno português concorda igualmente em que esse serviço público ou essa companhia ou companhias da União tenham o direito de trabalhar independentemente ou, de comum acôrdo, em colaboração com um serviço público português ou com uma companhia ou companhias de navegação aérea portuguesas na exploração da mencionada carreira. O itinerario no territorio português de Angola com entrada pela foz do Cunene seguirá o litoral com aterragens em Mossamedes e Lobito, e retorno pela mesma via. Qualquer extensão eventual da linha aqui estabelecida será fixada por outro mutuo acôrdo.
3. Cada Govêrno compromete-se a notificar o outro Govêrno da data do inicio da exploração desta carreira aérea e dos aeródromos e campos de recurso que pretende utilizar, comprometendo-se tambem a providenciar no sentido de serem garantidas as informações meteorológicas.

4. Os dois Governos concordam em autorizar, livre de encargos, o envio e recepção de mensagens de entre as aeronaves em vôo 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 aéreos por T.S.F.
- (5) Partida e chegada.
- (6) Posição.
- (7) Informação meteorológica.

5. Cada um dos Governos concorda em que os serviços públicos ou as companhias de navegação aérea que estabeleçam a ligação objecto dêste Acôrdo tenham direito de conservar as aeronaves e os motores de reserva necessarios, em depósito no território do outro Govêrno, de forma que possam, com mutuo aviso, ser retirados e equipados sem pagamento dos direitos aduaneiros usuais.

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

7. Fica entendido que a concessão prevista neste acôrdo não tem o character de exclusivo. Cada um dos Governos reserva-se o plano direito de autorizar o estabelecimento de outras carreiras aéreas nos seus respectivos territorios nas condições que julgar convenientes.

8. O presente Acôrdo vigorará por um periodo de cinco anos e considerar-se-á automaticamente prolongado por periodos sucessivos de um ano, a menos que seja denunciado por notificação feita com seis meses de antecedencia por um dos Governos ao outro.

Em conformidade com as propostas de V.Ex<sup>a</sup>., a Nota de V.Ex<sup>a</sup>. e a minha resposta, com a mesma data e termos semelhantes, serão consideradas como constituindo um acôrdo formal entre os dois Governos, que produzirá efeitos a partir desta data.

Aproveito a oportunidade para reiterar a V.Ex<sup>a</sup>. os protestos da minha mais alta consideração.

A. O. SALAZAR.

Sua Excelencia  
o Senhor Doutor Oswald Pirow.

(Translation.)

*Ministry of External Affairs,*

Mr. Minister,

*Lisbon, October 28, 1938.*

IN reply to your Note of to-day's date, I have the honour to inform you that the Portuguese Government, being equally convinced that the existing bonds of friendship between the Portuguese Republic and the Union of South Africa will be strengthened by further contact between the Union of South Africa and the Portuguese Colonies in Africa, is agreeable to enter into an agreement with the Union Government 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 respective adjacent territorial waters) on a regular air route to be established between Loanda and Germiston via Windhoek. 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 Angola (including the respective adjacent territorial waters) on a regular air route to be established between Germiston and Loanda. 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. The route in the Portuguese territory of Angola shall start from the mouth of the Cunene, along the coast with landing at Mossamedes and Lobito; and the return by the same route. Any eventual extension of the route herein settled shall be fixed by mutual agreement.
3. 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.
4. The two Governments agree to authorise the despatch and receipt, free of charge, of wireless messages between air-

craft 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.
5. 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.
  6. 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.
  7. 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 in such conditions as they may consider fit.
  8. This Agreement shall remain in force for a period of five years and will be automatically prolonged by periods of one year unless it is denounced by a six months' previous notice given by either of the Governments to the other.

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

I avail myself of the opportunity to assure you again of my highest consideration.

A. O. SALAZAR.

His Excellency  
Dr. Oswald Pirow,  
&c., &c., &c.

No. 3.

*South African Legation,*

Sir, *Lisbon, October 28, 1938.*

UNTIL the Portuguese Government decides to avail itself of the reciprocity established in terms of the Agreement relating to Air

Services between the Union of South Africa and the Colony of Angola, the Government of the Union of South Africa undertakes to carry at existing postal rates any letter mail that may be offering from Angola to the Union and *vice versa*, provided that the Government of Angola retains the right to surcharge any mail conveyed in or from its territory. The Union Government likewise undertakes to transport at lowest possible rates between Angola and the Union of South Africa, and *vice versa*, any Portuguese officials, military or civil, on official business provided that thereby full fare paying passengers be not displaced.

In pursuance of the policy of co-operation and goodwill upon which the Angola Air Agreement is based, the Portuguese Government will provide in Angola such wireless, meteorological and landing facilities as may be reasonably necessary for the safety of the aeroplanes and their passengers. The extent of any such facilities will be determined by agreement between the two Governments.

The present Note and your Excellency's reply of the same date in similar terms shall be regarded as placing on record the agreement arrived at in this matter.

I avail myself of the opportunity to assure your Excellency of my highest consideration.

O. PIROW.

His Excellency

Dr. Antonio de Oliveira Salazar,  
&c., &c., &c.

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No. 4.

*Ministerio dos Negocios Estrangeiros,*

Senhor Ministro,

*Lisboa, 28 de Outubro de 1938.*

TENHO a honra de acusar recepção da nota de V.Ex<sup>a</sup>. em data de hoje nos seguintes termos :

“ Emquanto o Govêrno Português não decidir utilizar-se da reciprocidade estabelecida nos termos do scôrdo relativo aos Serviços Aéreos entre a União da Africa do Sul e a Colónia de Angola, o Govêrno da União obriga-se a transportar às taxas postais existentes qualquer mala de correio que seja offerecida de Angola para a União e *vice versa*, entendendo-se que o Govêrno de Angola tem o direito de sobretaxar qualquer mala transportada no seu ou do seu territorio. O Govêrno da União compromete-se igualmente a transportar às taxas mais baixas possivel entre Angola e a União da Africa do Sul e *vice versa* quaisquer funcionários portugueses, militares ou civis, em serviço official desde que os passageiros que pagam bilhete inteiro não sejam prejudicados.

“ Em prosseguimento da politica de cooperação e boa vontade em que se baseia o acordo aéreo de Angola o Govêrno Português

prestará em Angola as facilidades de telegrafia sem fios, meteorológica e de aterragem que possam ser razoavelmente necessarias para a segurança dos aeroplanos e seus passageiros. A extensão de qualquer destas facilidades será fixada por acôrdo entre os dois Govêrnos.”

Em conformidade com a proposta de V.Ex<sup>a</sup>., a Nota de V.Ex<sup>a</sup>. datada de hoje e esta resposta constituirão o acordo a que se chegou sôbre a matéria.

Aproveito a oportunidade para reiterar a V.Ex<sup>a</sup>. os protestos da minha mais alta consideração.

A. O. SALAZAR.

Sua Excelencia  
o Senhor Doutor Oswald Pirow.

(Translation.)

*Ministry of External Affairs,*

*Lisbon, October 28, 1938.*

Mr. Minister,

I HAVE the honour to acknowledge the receipt of your Note of even date, reading as follows :—

“ Until the Portuguese Government decides to avail itself of the reciprocity established in terms of the Agreement relating to Air Services between the Union of South Africa and the Colony of Angola, the Government of the Union of South Africa undertakes to carry at existing postal rates any letter mail that may be offering from Angola to the Union and *vice versa*, provided that the Government of Angola retains the right to surcharge any mail conveyed in or from its territory. The Union Government likewise undertakes to transport at lowest possible rates between Angola and the Union of South Africa, and *vice versa*, any Portuguese officials, military or civil, on official business provided that thereby full fare paying passengers be not displaced.

“ In pursuance of the policy of co-operation and goodwill upon which the Angola Air Agreement is based, the Portuguese Government will provide in Angola such wireless, meteorological and landing facilities as may be reasonably necessary for the safety of the aeroplanes and their passengers. The extent of any such facilities will be determined by agreement between the Governments.”

In conformity with your proposal, your Note of even date and this reply shall constitute the agreement arrived at in this matter.

I avail myself of the opportunity to assure you again of my highest consideration.

A. O. SALAZAR.

His Excellency  
Dr. Oswald Pirow,  
&c., &c., &c.

No. 5.

*South African Legation,*

Sir,

*Lisbon, October 28, 1938.*

It is a pleasure to me to place on record that the training facilities at present granted to pilots and mechanics on the Moçambique Airways by the South African Airways will be continued. I would like to add that subject to existing traffic and other exigencies a request for any reasonable extension of the existing facilities to cover the personnel of aircraft operating from or in Angola would at all times be sympathetically considered.

I have the honour to be, Sir,

Your obedient Servant,

O. PIROW.

His Excellency

Dr. A. de Oliveira Salazar,

&amp;c., &amp;c., &amp;c.

No. 6.

*Ministerio dos Negocios Estrangeiros,*

Senhor Ministro,

*Lisboa, 28 de Outubro de 1938.*

TENHO a honra de acusar a recepção da Nota de V.Ex.<sup>a</sup>. em data de hoje pela qual V.Ex.<sup>a</sup>. se dignou transmitir-me o seguinte :

“ E-me agradavel registar que as facilidades de treino concedidas actualmente aos pilotos e mecanicos dos serviços Aéreos de Moçambique pelos Serviços Aéreos da União da Africa do Sul continuarão a ser-lhes prestadas.

“ Desejo acrescentar que de acôrdo com as exigencias do tráfico existente e outras. qualquer pedido para uma razoavel extensão das facilidades existentes de maneira a abranger o pessoal aeronautico que trabalha em Angola será sempre acolhido com simpatia.”

Muito agradeço a V.Ex.<sup>a</sup>. o teor dessa communicação de que este Ministerio tomou boa nota.

Aproveito esta oportunidade para reiterar a V.Ex.<sup>a</sup>. os protestos da minha mais alta consideração.

A. O. SALAZAR.

Sua Excelencia

o Senhor Doutor Oswald Pirow,

&amp;c., &amp;c., &amp;c.

(Translation.)

*Ministry of External Affairs,*

Mr. Minister,

*Lisbon, October 28, 1938.*

I HAVE the honour to acknowledge the receipt of your Note of even date, in which you were good enough to inform me as follows :—

“ It is a pleasure to me to place on record that the training facilities at present granted to pilots and mechanics on the

Mozambique Airways by the South African Airways will be continued. I would like to add that subject to existing traffic and other exigencies, a request for any reasonable extension of the existing facilities to cover the personnel of the aircraft operating from or in Angola would at all times be sympathetically considered."

I thank you for this communication, the contents of which have been duly noted by this Ministry.

I avail myself of this opportunity to assure you again of my highest consideration.

A. O. SALAZAR.

His Excellency  
Dr. Oswald Pirow,  
&c., &c., &c.

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No. 7.

*South African Legation,*

*Lisbon, October 28, 1938.*

Sir,

IN view of the opportunities likely to be created for mutual trade between the Union of South Africa and the Colony of Angola by the bringing into operation of air services between the two territories, the Government of the Union of South Africa will forthwith investigate the possibilities of such mutual trade and will welcome to the Union any Portuguese mission charged with a similar task.

I may conclude by expressing the hope that these investigations will show that a formal trade agreement can be entered into.

I have the honour to be, Sir,

Your obedient Servant,

O. PIROW.

His Excellency  
Dr. A. de Oliveira Salazar,  
&c., &c., &c.

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No. 8.

*Ministerio dos Negocios Estrangeiros,*

*Lisboa, 28 de Outubro de 1938.*

Senhor Ministro,

EM nota datada de hoje dignou-se V.Ex<sup>a</sup>. comunicar-me o seguinte :—

“ Em vista das oportunidades que naturalmente serão oferecidas se comercio mutuo entre a União da Africa do Sul e a Colónia de Angola pelo estabelecimento dos serviços aéreos entre os dois territorios, o Govêrno da União da Africa do Sul investigará imediatamente as possibilidades daquele comercio mutuo e acolherá com prazer qualquer missão portuguesa encarregada de tarefa semelhante na União.

“ Posso concluir exprimindo a esperança de que tais investigações mostrarão ser possível a celebração de um acordo formal de comércio.”

Ao ter a honra de acusar a recepção da nota de V.Ex<sup>a</sup>., agradeço a V.Ex<sup>a</sup>. o seu conteúdo que inteiramente corresponde aos propósitos do Governo português.

Aproveito o ensejo para reiterar a V.Ex<sup>a</sup>. os protestos da minha mais alta consideração.

A. O. SALAZAR

Sua Excelencia  
o Senhor Doutor Oswald Pirow,  
&c., &c., &c.

(Translation.)

*Ministry of External Affairs,*

*Lisbon, October 28, 1938.*

Mr. Minister,

By Note of even date you have been good enough to inform me as follows :—

“ In view of the opportunities likely to be created for mutual trade between the Union of South Africa and the Colony of Angola by the bringing into operation of air services between the two territories, the Government of the Union of South Africa will forthwith investigate the possibilities of such mutual trade and will welcome to the Union any Portuguese mission charged with a similar task.

“ I may conclude by expressing the hope that these investigations will show that a formal trade agreement can be entered into.”

I have the honour to acknowledge, with thanks, the receipt of this Note, the contents of which are entirely in agreement with the intentions of the Portuguese Government.

I avail myself of the opportunity to assure you again of my highest consideration.

A. O. SALAZAR.

His Excellency  
Dr. Oswald Pirow,  
&c., &c., &c.