



Treaty Series No. 41 (1935)

Exchange of Notes

between His Majesty's Government in the United Kingdom
and the Portuguese Government
regarding the

Operation of Air Services over Territories in Africa

Lisbon, October 24, 1935

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

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE PORTUGUESE GOVERNMENT REGARDING THE OPERATION OF AIR SERVICES OVER TERRITORIES IN AFRICA.

Lisbon, October 24, 1935.

No. 1.

Sir C. Wingfield to Dr. Armino Monteiro.

M. le Ministre,

Lisbon, October 24, 1935.

In accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that, with the view of establishing reciprocal facilities for the operation of air services over certain British and Portuguese territories in Africa, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are willing to enter into an agreement with the Government of the Portuguese Republic in the following terms:—

(1) His Majesty's Government in the United Kingdom agree that Portuguese aircraft belonging to a Portuguese air transport company or companies designated by the Portuguese Government shall have the right to fly over and land in Northern Rhodesia on a regular air line between Mozambique and Angola.

(2) The Portuguese Government agree that British aircraft belonging to a British air transport company or companies designated by His Majesty's Government in the United Kingdom shall have the right to fly over and land in Portuguese East Africa (including the territorial waters adjacent thereto) on regular air lines between British territories in East and South Africa. They also agree that British aircraft belonging to such a company or companies shall have the right to fly over and land in Portuguese East Africa on regular air lines between Salisbury and Beira, Beira and Blantyre, and Blantyre and Salisbury.

(3) His Majesty's Government in the United Kingdom also agree that Portuguese aircraft belonging to a Portuguese air transport company or companies designated by the Portuguese Government shall have the right to fly across the Gambia on a regular air line between Portuguese Guinea and Senegal.

(4) The Portuguese Government agree that British aircraft belonging to a British air transport company or companies designated by His Majesty's Government in the United Kingdom shall similarly have the right to fly on a regular air line crossing Portuguese Guinea.

(5) Each Government undertakes to notify the other Government of the date of the commencement of the operation of these air lines and of the aerodromes and landing places which it is proposed to utilise.

(6) The operation of the said air lines shall be governed by the provisions of the Convention relating to the Regulation of Aerial Navigation of the 13th October, 1919, and by the laws and regulations in force in the territories flown over, such laws and regulations not being inconsistent with this agreement or the said Convention of 1919.

(7) It is understood that the concessions provided in this agreement are not exclusive concessions. Both Governments retain full right to authorise the establishment of other air services in the African territories mentioned in the Agreement.

(8) The present arrangement shall remain in force for a period of five years and shall thereafter be terminable on one year's notice given by either Government to the other.

2. If the Portuguese Government are agreeable to the conclusion of an agreement in the foregoing terms, I have the honour to suggest that the present note and your Excellency's reply in similar terms be regarded as constituting a formal agreement between the two Governments in this matter, and that the agreement be regarded as taking effect this day.

I avail, &c.

CHARLES WINGFIELD.

No. 2.

Dr. Armino Monteiro to Sir C. Wingfield.

Ministério dos Negócios Estrangeiros,

Lisboa, 24 de Outubro de 1935.

Senhor Embaixador,

EM resposta à Nota que V. Ex^a. se serviu dirigir-me em data de hoje, tenho a honra de comunicar a V. Ex^a que o Governo Português, no intuito de estabelecer reciprocas facilidades para a exploração de serviços aéreos sobre determinados territorios britânicos e portugueses em Africa, está igualmente disposto a celebrar com o Governo de Sua Majestade Britânica no Reino Unido da Grã-Bretanha e Irlanda do Norte um acôrdo nos termos seguintes :

(1) O Governo de Sua Majestade no Reino Unido concorda em que aeronaves portuguesas pertencentes a uma companhia ou companhias portuguesas de transporte aéreo, designadas pelo Governo Português, tenham o direito de sobrevoar e de aterrar na Rodésia do Norte, numa carreira aérea regular entre Moçambique e Angola.

(2) O Governo Português concorda em que aeronaves britânicas pertencentes a uma companhia ou companhias britânicas de transporte aéreo, designadas pelo Governo de Sua Majestade no Reino Unido, tenham o direito de sobrevoar e de aterrar na Africa Oriental Portuguesa (incluindo as águas territoriais adjacentes), em carreiras aéreas regulares entre territórios britânicos na Africa Oriental e na Africa do Sul. O Governo Português concorda tambem em que aeronaves britânicas pertencentes a tal ou tais companhias tenham o

direito de sobrevoar e de aterrar na Africa Oriental Portuguesa em carreiras aéreas regulares entre Salisbury e Beira, entre Beira e Blantyre e entre Blantyre e Salisbury.

(3) O Governo de Sua Majestade no Reino Unido concorda igualmente em que aeronaves portuguesas pertencentes a uma companhia ou companhias portuguesas de transporte aéreo, designadas pelo Governo Português, tenham o direito de voar através da Gambia, numa carreira regular aérea entre a Guiné Portuguesa e o Senegal.

(4) O Governo Português concorda em que aeronaves britânicas pertencentes a uma companhia ou companhias britânicas de transporte aéreo, designadas pelo Governo de Sua Majestade no Reino Unido, tenham igualmente o direito de voar numa carreira aérea regular que atravesse a Guiné Portuguesa.

(5) Cada Governo compromete-se a notificar o outro Governo da data do inicio da exploração destas carreiras aéreas e dos aerodromos e terrenos de aterragem que pretende utilizar.

(6) A exploração das referidas carreiras aéreas será regulada pelas disposições da Convenção relativa à Regulamentação de Navegação Aérea de 13 de Outubro de 1919, e pelas leis e regulamentos em vigor nos territórios sobrevoados, quando tais leis e regulamentos não sejam contrários a este Acôrdo ou à referida Convenção de 1919.

(7) Fica entendido que as concessões previstas neste Acôrdo não teem caracter exclusivo. Ambos os Governos reservam o pleno direito de autorizarem o estabelecimento de outras carreiras aéreas nos territórios africanos mencionados no Acôrdo.

(8) O presente Acôrdo vigorará pelo prazo de cinco anos e poderá, a partir de então, ser denunciado mediante aviso prévio de um ano, feito por qualquer dos Governos ao outro.

2. Em conformidade com a proposta de V. Ex^a., que tenho a honra de aceitar, a Nota de V. Ex^a. datada de hoje e esta resposta, redigida em termos semelhantes, constituirão o Acôrdo formal dos dois Governos o qual se considera como entrando em vigor nesta data.

Aproveito, &c.

ARMINDO MONTEIRO.

(Translation.)

Ministry for Foreign Affairs,

Lisbon, October 24, 1935.

M. l'Ambassadeur,

IN reply to the note which your Excellency addressed to me of to-day's date, I have the honour to inform you that, with the view of establishing reciprocal facilities for the operation of air services over certain British and Portuguese territories in Africa, the Portuguese Government are equally willing to enter into an agreement with His Britannic Majesty's Government in the United Kingdom and Northern Ireland in the following terms:—

(1) His Majesty's Government in the United Kingdom agree that Portuguese aircraft belonging to a Portuguese air transport company

or companies designated by the Portuguese Government shall have the right to fly over and land in Northern Rhodesia on a regular air line between Mozambique and Angola.

(2) The Portuguese Government agree that British aircraft belonging to a British air transport company or companies designated by His Majesty's Government in the United Kingdom shall have the right to fly over and land in Portuguese East Africa (including the territorial waters adjacent thereto) on regular air lines between British territories in East and South Africa. They also agree that British aircraft belonging to such a company or companies shall have the right to fly over and land in Portuguese East Africa on regular air lines between Salisbury and Beira, Beira and Blantyre, and Blantyre and Salisbury.

(3) His Majesty's Government in the United Kingdom also agree that Portuguese aircraft belonging to a Portuguese air transport company or companies designated by the Portuguese Government shall have the right to fly across the Gambia on a regular air line between Portuguese Guinea and Senegal.

(4) The Portuguese Government agree that British aircraft belonging to a British air transport company or companies designated by His Majesty's Government in the United Kingdom shall similarly have the right to fly on a regular air line crossing Portuguese Guinea.

(5) Each Government undertakes to notify the other Government of the date of the commencement of the operation of these air lines and of the aerodromes and landing places which it is proposed to utilise.

(6) The operation of the said air lines shall be governed by the provisions of the Convention relating to the Regulation of Aerial Navigation of the 13th October, 1919, and by the laws and regulations in force in the territories flown over, such laws and regulations not being inconsistent with this agreement or the said Convention of 1919.

(7) It is understood that the concessions provided in this agreement are not exclusive concessions. Both Governments retain full right to authorise the establishment of other air services in the African territories mentioned in the Agreement.

(8) The present arrangement shall remain in force for a period of five years and shall thereafter be terminable on one year's notice given by either Government to the other.

2. In conformity with your Excellency's proposal, which I have the honour to accept, your Excellency's note of to-day's date and this reply, written in similar terms, shall constitute a formal Agreement between the two Governments and considered as entering into force on this date.

I avail, &c.

ARMINDO MONTEIRO.