

No. 7869

**MALAWI
and
GHANA**

**Agreement concerning international air transport (with
annex). Signed at Accra, on 4 May 1965**

Official text: English.

Registered by Malawi on 2 August 1965.

**MALAWI
et
GHANA**

**Accord relatif aux transports aériens internationaux (avec
annexe). Signé à Accra, le 4 mai 1965**

Texte officiel anglais.

Enregistré par le Malawi le 2 août 1965.

No. 7869. AGREEMENT¹ BETWEEN THE GOVERNMENT OF MALAWI AND THE GOVERNMENT OF THE REPUBLIC OF GHANA CONCERNING INTERNATIONAL AIR TRANSPORT. SIGNED AT ACCRA, ON 4 MAY 1965

The Government of Malawi and the Government of the Republic of Ghana being parties to the Convention on International Civil Aviation opened for signature at Chicago on the Seventh day of December, 1944² and desiring to promote the development of air transport by the establishment of scheduled air services between and beyond their respective territories have, in addition to the said Convention, agreed as follows :

Article 1

For the purpose of the present Agreement and any Annex attached hereto unless the context otherwise requires :

(a) the term “ the Convention ” means the Convention on International Civil Aviation opened for signature at Chicago on the Seventh day of December, 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;

(b) the term “ aeronautical authorities ” means, in the case of Malawi, the Minister responsible for Civil Aviation and any person or body authorized to perform any functions at present exercised by the said Minister or similar functions, and, in the case of Ghana, the Minister responsible for Civil Aviation and any person or body authorized to perform any functions at present exercised by the said Minister or similar functions;

(c) the term “ designated airline ” means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 3 of the present Agreement, for the operation of air services on the routes specified in such notification;

(d) the term “ territory ” in relation to a state shall have the meaning assigned to it by Article 2 of the Convention;

(e) the terms “ air service ”, “ international air service ”, “ airline ” and “ stop for non-traffic purposes ” have the meanings respectively assigned to them in Article 96 of the Convention; and

¹ Came into force on 4 May 1965, upon signature, in accordance with article 13.

² 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.

(f) the terms " aircraft equipment ", " stores " and " spare parts " have the meanings respectively assigned to them in Annex 9 of the Convention.

Article 2

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the routes specified in the appropriate section of the Schedule included in the Annex thereto (hereinafter called " the agreed services " and " the specified routes ").

(2) Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges :

(a) to fly without landing across the territory of the other Contracting Party;

(b) to make stops in the said territory for non-traffic purposes; and

(c) to make stops in the said territory at the points specified for that route in the Schedule of the Annex to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

Article 3

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay, grant to the airline or airlines designated the appropriate operating authorization.

(3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by them in conformity with the provisions of the Convention to the operation of international commercial air services.

(4) Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the privileges specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline. Recognizing however that the structure of Air Malawi is such that substantial ownership and effective control of the Company is not vested in the Government

of Malawi or its nationals alone, the Government of the Republic of Ghana agrees that, provided it is satisfied that any substantial ownership and the effective control of Air Malawi is and remains vested in the Governments or nationals of the countries participating in the Higher Authority for Civil Air Transport, no objection will be raised by reason of Articles 3 (3) and 3 (4) of the present Agreement to the designation of Air Malawi to operate the route in the Schedule included in the Annex to the present Agreement. The countries participating in the Higher Authority for Civil Air Transport are Malawi, Zambia and Rhodesia.

(5) At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorized may begin to operate the agreed services provided that a service shall not be operated unless a tariff established in accordance with the provisions of Article 6 of the present Agreement is in force in respect of that service.

(6) Each Contracting Party shall have the right to suspend the exercise by an airline of the privileges specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those privileges prescribed in the present Agreement provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4

(1) The aircraft used by the designated airlines of either of the Contracting Parties and introduced into the territory of the other Contracting Party as well as fuel, lubricating oil, spare parts, stores and general equipment exclusively for use by the said aircraft will be exempt from customs duties and other fees and taxes levied on goods upon entering and leaving the territory.

(2) Fuel, lubricating oil, spare parts, regular aircraft equipment and stores for the use of the said aircraft mentioned in paragraph (1) above will be exempt from customs duties, inspection fees or other similar fees and taxes on arriving in or leaving the territory of the other Contracting Party.

(3) Fuel and lubricating oil taken on board the said aircraft by the designated airlines on the territory of the other Contracting Party and re-exported shall remain exempt from customs duties, consumption duties and other fees and national taxes.