



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

R0,80

WINDHOEK — 19 March 1993

No. 609

CONTENTS

Page

GOVERNMENT NOTICE

No. 34 Administrative Directive: Certain Guidelines for Government Ministers and Public Servants

1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 34

1993

**ADMINISTRATIVE DIRECTIVE: CERTAIN GUIDELINES
FOR GOVERNMENT MINISTERS AND PUBLIC SERVANTS**

The following Administrative Directive (No. 2 of 1993) was issued by the Right Honourable Prime Minister on 9 March 1993 to Government Ministers and Public Servants:

Republic of Namibia
Office of the Prime Minister

Administrative Directive No. 2/1993

8 March 1993

Namibian Territory and Airspace: The Grant of Overflight and Landing Permission to Certain Aircraft and Certain Flights

Introduction

On 30 May 1991, Namibia became a party to the Convention on International Civil Aviation (Convention) and a Member State of the International Civil Aviation Organization (ICAO), which is a specialized agency of the United Nations.

As a party to the Convention on International Civil Aviation, Namibia is obliged to fulfil the provisions of that Convention and to implement the international standards contained in its Annexes. The Convention is also enshrined in Namibia Law in that the Convention is incorporated in toto in the Aviation Act (No 74 of 1962).

Article 5 of the Convention provides, inter alia, as follows:

"Right of non-scheduled flight: Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each Contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flight."

However, the Convention is applicable only to civil aircraft. State Aircraft, which for the purpose of the Convention are "aircraft used in Military, Customs and Police Services" are specifically excluded from its application. Consequently, the provisions in its Article 5 do not apply to such State Aircraft. Prior approval for the operation of all such aircraft in Namibian airspace must therefore be obtained from the Ministry of Foreign Affairs.

As the Ministry of Foreign Affairs has a responsibility for all foreign dignitaries in Namibia and in Namibian airspace, all aircraft engaged exclusively in the carriage of foreign dignitaries, such as Heads of State,

Heads of Government and other Very Important Persons (for example, Ministers of Government, Ambassadors, High Commissioners, Plenipotentiaries, etc.) shall also be deemed to be State Aircraft. Prior approval must therefore be obtained from that Ministry for the flight of such aircraft in Namibia airspace.

In summary, therefore, prior approval from the Ministry of Foreign Affairs is required for the overflight in Namibian airspace and/or landing in Namibia of the following aircraft:

- (a) Military
- (b) Customs
- (c) Police, and
- (d) Aircraft exclusively engaged in the carriage of foreign Heads of State, Heads of Government, and other Very Important Persons (VIP).

Procedures

As the aircraft listed in (a), (b), (c) and (d) above cannot be granted automatic authorization for overflying Namibian airspace or overflying Namibian airspace and landing at aerodromes within Namibia, the following procedures have to be followed when requests for overflight and landing of such aircraft are received:

- A. The **Ministry of Foreign Affairs** is the responsible body for dealing with aircraft under this category.
- B. All requests for flights under this category have to be forwarded to the **Ministry of Foreign Affairs** at least 72 hours prior to the event.
- C. The **Ministry of Foreign Affairs** must forward a written request to the following Ministries for consideration:
 - (i) **Ministry of Defence; and**
 - (ii) **Ministry of Home Affairs.**
- D. The **Ministry of Foreign Affairs** will forward a copy of the application to the **Civil Aviation Directorate** of the **Ministry of Works, Transport and Communication**, and **State Security** for information only.
- E. The **Ministries of Defence, and Home Affairs** must indicate in writing to the **Ministry of Foreign Affairs** whether or not they have any objections and whether the necessary arrangements have been made.
- F. Upon receipt of written notification from the Ministries of Defence and Home Affairs, the **Ministry of Foreign Affairs** will follow its internal procedures.

After completion of its internal procedures, the **Ministry of Foreign Affairs** will forward a copy of the approval to **State House**, and the **Office of the Prime Minister** for information.

- G. Once all the approvals have been received and all Ministries concerned have been notified, the **Ministry of Foreign Affairs** will forward a written request to the **Civil Aviation Directorate** of the **Ministry of Works, Transport and Communication** for that Directorate to provide the **Ministry of Foreign Affairs** with an authorization number for overflight and landing.

The **Civil Aviation Directorate** of the **Ministry of Works, Transport and Communication** will then issue such Authorization Number and forward it to the **Ministry of Foreign Affairs**.

- H. Upon receipt of the overflight and landing authorization number, the **Ministry of Foreign Affairs** will forward such in writing to the originator/applicant.

- J. All applications shall be dealt with promptly.

- K. Requests that are received after hours, during weekends and on public holidays will be dealt with expeditiously and, if necessary, telephonically. If dealt with telephonically, *it must be followed up in writing on the next morning and/or the first working day after the weekend/public holiday for record purposes.*

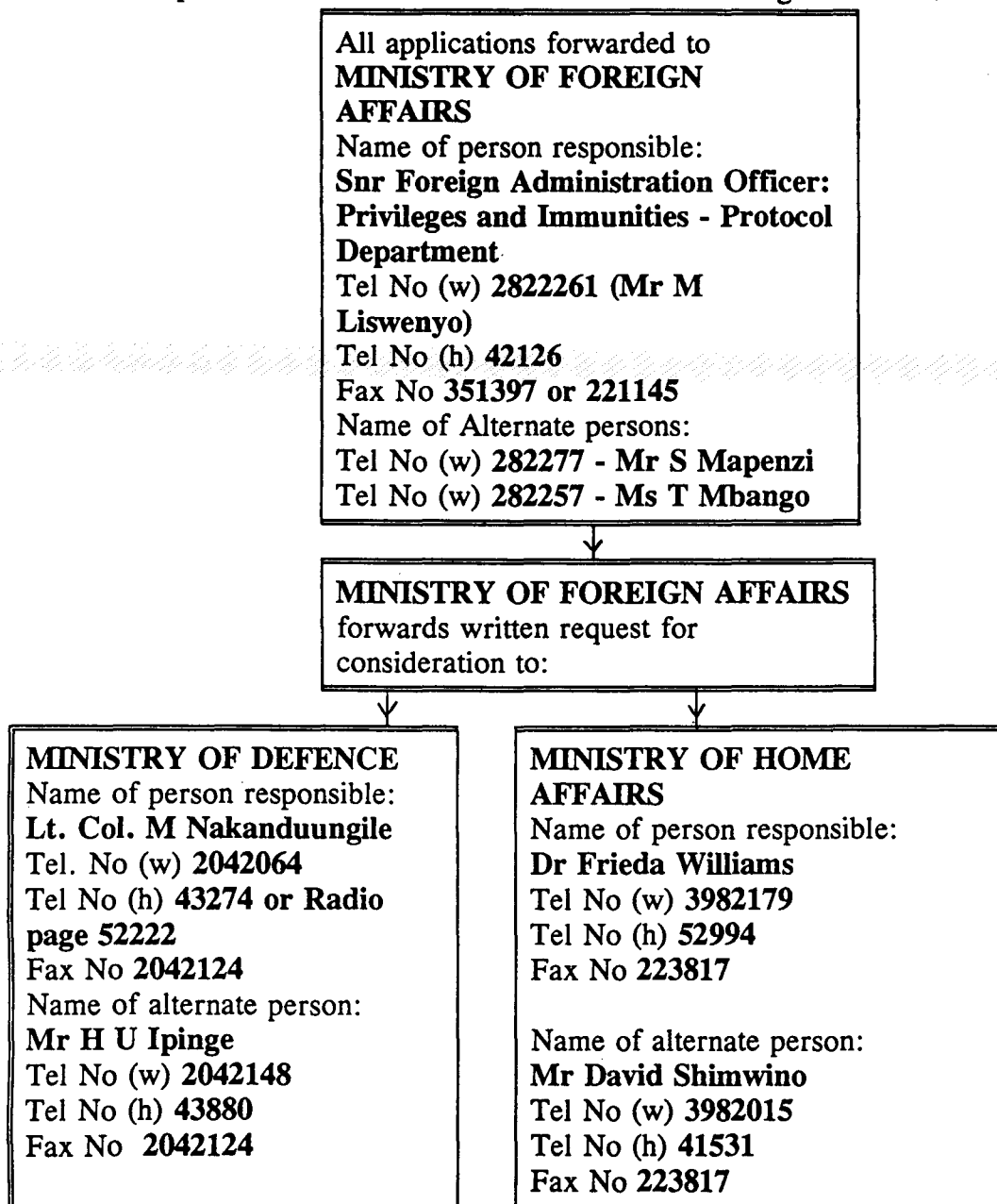
- L. All Ministries concerned shall provide the names of officers concerned with overflight and landing authorizations, as well as the names of substitute officers. Work and home telephone numbers, facsimile numbers, and other call-out numbers for these officers shall be provided. Updates on names and contact numbers shall be made promptly.

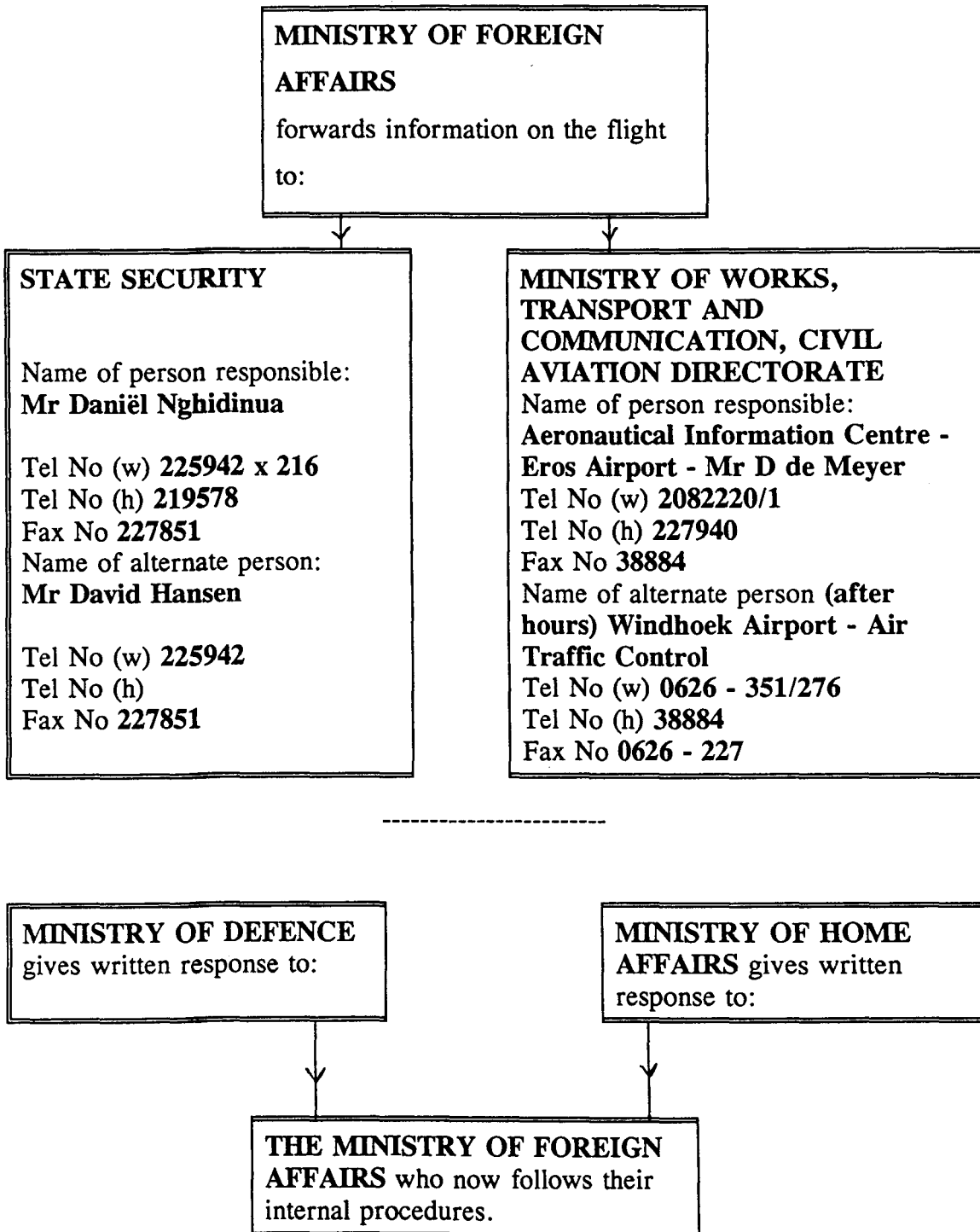
- M. Although having issued the Authorization Number, the Civil Aviation Directorate of the Ministry of Works, Transport and Communication can only permit the aircraft to enter Namibian Airspace once the operator/applicant has met his international civil aviation obligations, i.e., when an ICAO Air Traffic Control flight plan has been submitted and accepted.

Diagram of Responsibilities

Applications for overflight and landing authorizations from Diplomatic Bodies, Foreign Countries, etc.

The responsibilities of the different Ministries are categorized as follows:





THE MINISTRY OF FOREIGN AFFAIRS forwards a copy of the approval to:

State House
for information
Name of contact person:
Mr K Kambala
Tel No (w) **22484** or **220010**
Tel No (h) **41540**
Fax No **221770**
Name of alternate person:
Mr L Mboti
Tel No (w) **220010**
Tel No (h) **34812**

Office of the Prime Minister
for information
Name of contact person:
Mr M S Buys
Tel No (w) **2872029**
Tel No (h) **43080**
Fax No **224910**
Name of alternate person:
.....
Tel No (w)
Tel No (h)

THE MINISTRY OF FOREIGN AFFAIRS forwards a written request for the issue of an Authorization Number for overflight and landing to:

THE CIVIL AVIATION DIRECTORATE of **THE MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION** who will issue an Authorization NUMBER for overflight and landing and who will forward this number in writing to the **MINISTRY OF FOREIGN AFFAIRS**.
NOTE (Although having issued the Authorization Number, the Civil Aviation Directorate will only authorize the aircraft to enter Namibian airspace once the applicant/operator has met his international civil aviation obligations).

**THE MINISTRY OF FOREIGN
AFFAIRS**

will acknowledge receipt of the number
and will be responsible for forwarding the
Authorization NUMBER to:



The **ORIGINATOR/APPLICANT** of the
request.



Only when the above channels have been followed satisfactory, will the flight be permitted to take place.

