



CemAir (Proprietary) Limited

*Hangar 6, Eastern Precinct,
OR Tambo International Airport
Kempton Park*

02 August 2018

CEMAIR FORCED TO CANCEL FLIGHTS TO GABORONE BECAUSE BOTSWANA MINISTRY OBSTRUCTS ROUTE RIGHTS

Commuter and Regional carrier, CemAir (IATA code 5Z) has been forced to cancel the first scheduled flight between Cape Town and Gaborone on 2nd August 2018 due to an ongoing failure of the Botswana Ministry of Transport to accept CemAir's route rights.

The Bilateral Air Services Agreement (BASA) between the Republic of South Africa and the Republic of Botswana provides for an unlimited number of air carriers to be designated by both sides.

In August 2017 the South African International Air Services Licensing Council awarded CemAir route rights between Cape Town and Gaborone, but a year later, The Botswana Ministry of Transport remains unresponsive and has failed to recognise these rights, which they are obliged to do in terms of the BASA. It also contravenes Botswana's signature into Law of the Yamoussoukro Decision, Africa's open skies policy with unrestricted traffic rights between city pairs to and from countries within Africa.

In June 2018, CemAir scheduled its first flight between Cape Town and Gaborone for Thursday 02 August 2018, a year after being granted route rights by the South African Air Services Licensing Council.

"At this stage we have no choice but to cancel our flight. The evasive and obstructive behaviour from the Botswana Ministry of Transport contravenes the Country's stated policy and mimics the exact protectionist behaviour that these agreements aim to unravel", says Miles van der Molen, CEO of CemAir. "Botswana's failure to respond for a 12-month period can only be seen as anti-competitive behaviour and in itself is in direct violation of the Bilateral Air Services Agreement between the two countries".

In November 2017 Mr Owen Rikhotso, Assistant Director: Bilateral Affairs for Air Transport in the South African Department of Transport met with officials from the Botswana Ministry of Transport and complied with their request for a formal letter from the SA Department of Transport confirming CemAir's route rights.

In the only formal response received to date, Malebogo Mdojwa, Chief Air Transport Officer of the Botswana Civil Aviation Authority, in his email dated 04 July 2018 acknowledged the designation of CemAir by the South African Department of Transport to operate scheduled services into Botswana and advised that a "request for approval had been sent to the Ministry of Transport". Mr Mdojwa further warned that "the implementation of any scheduled service into Botswana without this approval would be a violation of Botswana's regulations as well as the Bilateral Air Services Agreement with South Africa."

This obstructive approach flies in the face of the Botswana Ministry of Transport's stated objectives to transform Botswana into a transport hub through the implementation of an open skies policy. On 29 Jan 2018, Botswana and South Africa were both signatories to the African Union's (AU) aviation trade agreement SAATM (Single African Air Transport Market) which is intended to drive down airfares by allowing the airlines of signatory countries to freely access each other's' airports. AU chairperson Paul Kagame said the market was important "for the overall development of the continent," where international air links between many cities are expensive or non-existent. Tshepo Peege, South Africa's representative to the International Civil Aviation Organisation (ICAO) was quoted as saying "From today, air companies from these countries can freely access all the countries included in the single market, they don't have to rely anymore on bilateral agreements, whether they exist or not, to access them."



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CemAir has worked with the Botswana Tourism Organisation to implement Botswana's open skies policy for the benefit of promoting tourism in Botswana.

Background Information

CemAir is a member of IATA and an established scheduled airline operator based at OR Tambo International and currently operating a schedule service network to 11 destinations. The company was established in 2005 and owns and operates a fleet of 23 aircraft of Bombardier CRJ's, Bombardier Dash 8's and Beech 1900D's. In partnership with Air Botswana and utilizing the bilateral route rights assigned to Air Botswana, CemAir previously operated the regional route between Cape Town and Gaborone for the 12-month period from Feb 2017 to Jan 2018. CemAir continues to work with Air Botswana providing ad-hoc aircraft leasing services to the Botswana-state-owned entity.

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Plating Carrier – 5Z (CemAir PTY Ltd)

IATA Accounting Code: 225

Linked BSP: ZA, UK & Germany

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