

**No. 47710**

---

**South Africa  
and  
India**

**Agreement between the Government of the Republic of South Africa and the Government of India for air services between their respective territories (with annex). Pretoria, 5 December 1998**

**Entry into force:** *5 December 1998 by signature, in accordance with article 21*

**Authentic texts:** *English and Hindi*

**Registration with the Secretariat of the United Nations:** *South Africa, 30 August 2010*

---

**Afrique du Sud  
et  
Inde**

**Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de l'Inde relatif aux services aériens entre leurs territoires respectifs (avec annexe). Pretoria, 5 décembre 1998**

**Entrée en vigueur :** *5 décembre 1998 par signature, conformément à l'article 21*

**Textes authentiques :** *anglais et hindi*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Afrique du Sud, 30 août 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA AND THE GOVERNMENT OF INDIA FOR AIR SERVICES  
BETWEEN THEIR RESPECTIVE TERRITORIES**

*The Government of the Republic of South Africa and the Government of India,  
(hereinafter referred to as the "Contracting Parties");*

*BEING parties to the Convention on International Civil Aviation opened for  
signature at Chicago on the seventh day of December, 1944;*

*ACKNOWLEDGING the importance of air transport as a means of creating and  
preserving friendship, understanding and co-operation between peoples of the two  
countries;*

*DESIRING to contribute to the progress of international civil aviation; and*

*DESIRING, further to conclude an Agreement for the purpose of establishing air  
services between their respective territories;*

*HAVE agreed as follows -*

**ARTICLE 1**  
**DEFINITIONS**

For the purpose of this Agreement, unless the context otherwise requires -

- (a) the term "aeronautical authorities" means in the case of South Africa, the Minister responsible for Civil Aviation and in the case of India, the Director-General of Civil Aviation, or in either case any person or body authorised to perform any functions exercised by the said authorities;
- (b) the term "agreed service" means scheduled air services on the routes specified in the Annex to this Agreement for the transport of passengers and cargo in accordance with agreed capacity entitlements and "specified route" means a route specified in the Annex to this Agreement;
- (c) the term "Agreement" means this Agreement and its Annex and any amendments to the Agreement or to the Annex;
- (d) the terms "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meaning respectively assigned to them in Article 96 of the Convention;
- (e) the term "airborne equipment" means articles, other than stores and spare parts of a removable nature, for use on board an aircraft during flight, including first aid and survival equipment;
- (f) the term "cargo" includes mail;
- (g) the term "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on the seventh day of December 1944, and includes -

- (i) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time in force for both Contracting Parties; and
  - (ii) any amendment which has entered into force under Article 94 of the Convention and has been ratified by both Contracting Parties;
- (h) the term "designated airlines" means an airline or airlines designated and authorised in accordance with Article 3 (Designation and Authorization) of this Agreement;
- (i) the term "spare parts" means articles of a repair or replacement nature for incorporation in an aircraft, including engines;
- (j) the terms "substantial ownership" and "effective control" means that in any case where the designated airlines operates its services under this Agreement by entering into any agreement with the airline of any other country or the Government or nationals of any other country, the Contracting Party designating the airline or its nationals shall not be deemed to have substantial ownership and effective control of the designated airlines, unless the Contracting Party or its nationals have -
  - (i) majority share holding in the designated airline;
  - (ii) effective control in the management of the designated airlines; and
  - (iii) effective control over the deployment of the fleet and equipment used in the operations of the services;
- (k) the term "tariff" means the prices which the designated airlines charge for the transport of passengers and cargo and the conditions under which those prices

apply, including prices and conditions for agency but excluding remuneration and conditions for carriage of mail, and

- (l) the term "territory" in relation to a State has the meaning assigned to it in Article 2 of the Convention.

## ARTICLE 2 GRANT OF RIGHTS

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement to enable its designated airlines to establish and operate scheduled international air services on the routes specified in the Annex.
2. Subject to the provisions of this Agreement, the designated airlines of each Contracting Party shall enjoy the following rights -
  - (a) to fly without landing across the territory of the other Contracting Party;
  - (b) to make stops in that territory for non-traffic purposes; and
  - (c) while operating an agreed service on a specified route, the airlines designated by each Contracting Party shall also enjoy the right to embark and disembark, in the territory of the other Contracting Party at the points specified for that route in the Annex to this Agreement, international traffic in passengers and cargo.
3. Nothing in sub-article 2 of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking on, in the territory of