

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF REPUBLIC OF SOUTH AFRICA REGARDING WAIVER OF VISA REQUIREMENT FOR HOLDERS OF DIPLOMATIC AND OFFICIAL PASSPORTS

PREAMBLE

The Government of the Republic of India and the Government of the Republic of South Africa (hereinafter jointly referred to as the "Parties" and in the singular as a "Party").

CONSIDERING it in the interest of both countries to strengthen their friendly relations, and

DESIRING to facilitate the entry of the citizens of the Republic of India and the citizens of the Republic of South Africa, who are holders of diplomatic or official passports into their respective countries,

HEREBY AGREE as follows:

ARTICLE 1

WAIVER OF VISA REQUIREMENTS

1. Citizens of the country of one party who are holders of valid diplomatic or official passports in that country, may enter sojourn and exit the country of the other party of which he or she is not a citizen through their respective international points of entry and exit without having to obtain a visa.

ARTICLE 2

COMPETENT AUTHORITIES

The Competent Authorities responsible for the implementation of this Agreement shall be:-

- (a) On behalf of the Government of the Republic of India, the Ministry of Home Affairs; and .

- (b) On behalf of the Government of the Republic of South Africa, the Department of Home Affairs.

ARTICLE 3

SCOPE OF APPLICATION

Citizens of the countries of either Party who enter the territory of the other Party pursuant to Article 1 shall be entitled to stay in the country of the other Party for a period not exceeding ninety (90) days.

ARTICLE 4

ACCREDITED DIPLOMATIC AND CONSULAR STAFF

- (1) A citizen of a country of a Party who is assigned as a member of the diplomatic or consular staff in the country of the other Party and is in possession of a valid diplomatic or official passport, shall not be required to obtain a visa to enter the country of the other Party, and shall be granted, on request from the Diplomatic Mission or Consular Post concerned, within ninety (90) days of the arrival of the diplomatic or official passport holder, a residence visa for the period of his or her official stay.
- (2) The provisions of Sub Article (1) shall apply to a citizen of a country of a Party in possession of a valid diplomatic or official passport who is a representative of his or her country in an international organization located in the country of the other Party.
- (3) The provisions of sub-Articles (1) shall also apply to the spouse of a member of the Diplomatic Mission or Consulate, their children and their dependent parents, within the first step of kinship, provided that they hold valid diplomatic or official passports.

ARTICLE 5

ATTENDANCE OF MEETINGS OR CONFERENCES AND OFFICIAL VISITS

(1) A citizen of a country of either Party, who is in possession of a valid Diplomatic or Official passport and is attending a meeting or conference convened by an international organization or Government of initiating party, which is held in the country of the other Party, shall not be required to obtain a visa to enter, sojourn and exit the country of that Party.

(2) The holders of diplomatic and official passports of either Party who are employed by an international organization, body, agency or any other such entity, must obtain a visa prior to their entry into the country of the other Party for official visits.

ARTICLE 6

REFUSAL OF ENTRY AND ISSUING OF NEW PASSPORT

(1) Each Party reserves the right to refuse the entry into, or shorten the stay in its country, of any citizen of the country of the other Party, whom it may consider undesirable.

(2) If a citizen of the country of one Party loses his or her passport in the country of the other Party, he or she shall inform the authorities concerned of the host country for appropriate action. The Diplomatic Mission or Consulate concerned shall issue a new passport or travel document to its citizen and inform the concerned authorities of the host country.

ARTICLE 7

COMPLIANCE WITH DOMESTIC LAW

Citizens of the countries of the Parties, being holders of diplomatic or official passports, shall abide by the domestic law of the countries of the respective Parties while crossing its frontier and throughout the duration of their stay in its territory.

ARTICLE 8

NOTIFICATION OF RELEVANT DOCUMENTS

(1) For the purpose of this Agreement, each Party shall transmit to the other Party through the diplomatic channel, specimens of its respective passports, including a detailed description of such documents currently used, at least thirty (30) days before the entry into force of this Agreement.

(2) Each Party shall also transmit to the other Party through the diplomatic channel, specimen of its new or modified passports, including a detailed description of such documents, at least thirty (30) days before they are brought into force.

ARTICLE 9

SUSPENSION AND TERMINATION

(1) Each Party reserves the right for reasons of security, public order or public health, to completely or partially suspend this Agreement. Such suspension, together with the reasons therefor, shall be conveyed to the other Party in writing through the diplomatic channel and shall take effect immediately upon receipt of such written notification. The suspending Party shall lift the suspension as soon as possible by way of written notice to the other Party through the diplomatic channel.

(2) This Agreement shall remain in force for an indefinite period, but may be terminated by either Party by giving ninety (90) days written notice in advance to the other Party through the diplomatic channel, of its intention to terminate the Agreement.

ARTICLE 10

REVISION OR AMENDMENT

Either Party may request through an Exchange of Notes through the diplomatic channel, a revision or amendment of the whole or part of this Agreement. Any revision or amendment which has been agreed upon between the Parties shall come into effect on a date to be agreed upon between the parties and shall accordingly form part of this Agreement.

ARTICLE 11

SETTLEMENT OF DISPUTES

Any dispute between the Parties arising out of the interpretation or implementation of this Agreement, shall be settled amicably through consultation or negotiation between the Parties without referring the matter to any third party or an international tribunal.

ARTICLE 12

ENTRY INTO FORCE

This agreement shall enter into force on the ninetieth (90th) day after the date of signature thereof.

ARTICLE 13

CONFLICT OF TEXTS

IN WITNESS WHEREOF the undersigned, having been duly authorized thereto by their respective Governments, have signed and sealed this Agreement in two originals in the Hindi and English languages, all texts being equally authentic. In the event of conflict between the Hindi and English texts of the Agreement, the English text shall prevail.

DONE at PRETORIA on this 22nd Day of February 2008

**FOR THE GOVERNMENT
OF THE REPUBLIC OF
INDIA**

Name:



Designation: **PRANAB MUKHERJEE**
MINISTER OF
EXTERNAL AFFAIRS

**FOR THE GOVERNMENT
OF THE REPUBLIC OF
SOUTH AFRICA**

Name: *Nkosazana Dlamini Zuma*
**DR. NKOSAZANA CLARICE
DLAMINI ZUMA**

Designation: **MINISTER OF
FOREIGN AFFAIRS**