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**International Fund for Agricultural Development
and
Viet Nam**

Agreement between the Government of the Socialist Republic of Viet Nam and the International Fund for Agricultural Development concerning the Fund's country office. Hanoi, 16 January 2008

Entry into force: *16 January 2008 by signature, in accordance with article 14*

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**Fonds international de développement agricole
et
Viet Nam**

Accord entre le Gouvernement de la République socialiste du Viet Nam et le Fonds international de développement agricole concernant le bureau de pays du Fonds. Hanoï, 16 janvier 2008

Entrée en vigueur : *16 janvier 2008 par signature, conformément à l'article 14*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

AND

THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

CONCERNING

THE FUND'S COUNTRY OFFICE

Dated 16 January 2008

AGREEMENT

WHEREAS the International Fund for Agricultural Development wishes to establish a Country Office in Viet Nam to support its operations, including supervision of projects; consolidate its cooperation and linkages; be close to its partners and programmes; and manage knowledge; and the Government of the Socialist Republic of Viet Nam agrees to permit the establishment of such an office;

NOW, THEREFORE, the Government of the Socialist Republic of Viet Nam and the International Fund for Agricultural Development (IFAD) hereby agree as follows:

Article 1 Definitions

For the purpose of this Agreement:

(a) "Government" means the Government of the Socialist Republic of Viet Nam;

(b) "The Fund" or "IFAD" means the International Fund for Agricultural Development;

(c) "Office" means the International Fund for Agricultural Development's Country Office located in the Socialist Republic of Viet Nam;

(d) "IFAD officials" means the Country Representative and all other officials as specified by IFAD in accordance with Article VI, Section 18 of the Convention on the Privileges and Immunities of the Specialized Agencies.

Article 2 Juridical Personality of the Fund

1. The Government recognizes the juridical personality of the Fund, and in particular its capacity:

(a) To contract;

(b) To acquire and dispose of movable and immovable property in accordance with the laws of Viet Nam; and

(c) To be a party to judicial proceedings.

2. The Government shall permit the Fund to rent premises to serve as its Office.

3. The Office shall be authorised to display the emblem of the Fund on its premises and vehicles.

Article 3

Inviolability of the Office

1. The property and assets of the Office, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

2. The archives of the Office, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

3. The Office and its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Fund has expressly waived its immunity. No waiver of immunity shall extend to any measure of execution.

4. The Office shall not allow its premises to serve as a refuge for any person wanted for a criminal offence or in respect of whom a warrant, conviction or expulsion order has been issued by the competent authorities of the Socialist Republic of Viet Nam.

5. The authorities, officials and agents of the Socialist Republic of Viet Nam shall not enter the Office in an official capacity unless at the request or with the authorisation of the Office, granted by the Country Representative or his or her delegate. In the event of *force majeure*, fire or any other calamity requiring urgent measures of protection, the consent of the Country Representative or his or her representative shall be considered to have been given. However, if requested by the Country Representative, any person who has entered the Office with his or her presumed consent shall leave the Office immediately.

6. The competent authorities of the Socialist Republic of Viet Nam shall, to the extent possible, take all necessary measures to protect the Office against any intrusion or damage, to ensure that their tranquillity is not disturbed and to preserve their dignity.

7. The residences of IFAD officials who are not citizens or permanent residents of the Socialist Republic of Viet Nam shall be entitled to the same inviolability and protection as the Office.

Article 4

Public Services

1. The Government shall ensure that the Office is supplied with necessary public services on equitable terms. The Office shall bear the cost of these services.

2. In the case of interruption or threatened interruption of any such services, the competent authorities shall consider the Office's need for such services as important as that of the State's public services, and shall therefore take the necessary measures to ensure that the Office's activities are not impaired by such a situation.

Article 5

Communications

No censorship shall be applied to the official correspondence and other official communications of the Office. The Office shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article 6

Tax Exemption

The Office, its assets, income and other property shall be exempt from:

(a) All direct and indirect taxes, it being understood, however, that no claim of exemption will be made from taxes which are, in fact, no more than charges for public utility services;

(b) Customs duties or other taxes, and all prohibitions or restrictions on imports and exports in respect of articles imported or exported by the Office for its official use in accordance with the functions of the Office. It is understood, however, that articles imported under such exemption will not be sold in the Socialist Republic of Viet Nam except under conditions agreed with the Government; and