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**Caribbean Development Bank
and
Haiti**

Seat Agreement between the Government of the Republic of Haiti and the Caribbean Development Bank. Port-au-Prince, 27 February 2018

Entry into force: *provisionally on 27 February 2018 by signature, in accordance with article XI*

Authentic texts: *English and French*

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**Banque de développement des Caraïbes
et
Haïti**

Accord de siège entre le Gouvernement de la République d'Haïti et la Banque Caribéenne de Développement. Port-au-Prince, 27 février 2018

Entrée en vigueur : *provisoirement le 27 février 2018 par signature, conformément à l'article XI*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Banque de développement des Caraïbes, 26 avril 2018*

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SEAT AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF HAITI AND THE CARIBBEAN DEVELOPMENT BANK (each a Party, and together the Parties)

WHEREAS the Caribbean Development Bank (“CDB” or “the Bank”) wishes to establish an Office in the territory of the Republic of Haiti to support its operations and strengthen its partnerships, and to conclude an agreement with the Government of the Republic of Haiti (the Government) regarding privileges, immunities and facilities to be granted to it.

WHEREAS the Government agrees to authorize the establishment of such an Office.

TAKING INTO CONSIDERATION the accession of the Republic of Haiti to the Agreement establishing the Caribbean Development Bank (“the Charter”).

ACCORDINGLY, the Government and the Bank have agreed as follows:

Article I
DEFINITIONS

For the purposes of this Agreement:

- (a) "Bank Representative" means the representative of the Bank in Haiti, appointed by the President and accredited to the Government;
- (b) "CDB staff members" refers to the CDB Representative in the country and all other CDB staff members included in a list communicated to the Government by CDB;
- (c) "Family Members" means spouses, children under the age of 18, or under the age of 25 where in full-time education;
- (d) "Members" means a state or territory which has become a member of the Bank in pursuance of the relevant provisions of the Charter;
- (e) "Office" means the office established in the Republic of Haiti by the Caribbean Development Bank, including such other premises from which the Bank may carry out its operations;
- (f) "President" means the president of the Bank; and
- (g) "Representatives of the Member States" means all delegates, advisers and technical experts duly mandated for this purpose.

Article II
JURIDICAL PERSONALITY OF THE BANK

1. The Government shall recognize the legal personality of the Bank and, in particular, its full capacity:
 - (a) to contract;
 - (b) to acquire and sell movable and immovable property; and
 - (c) to institute legal proceedings.
2. The Government shall allow the Bank to purchase or rent premises to set up its Office.
3. The Office shall be entitled to display the emblem of the Bank on its premises and on its vehicles if so minded.

Article III
IMMUNITY, INVIOABILITY OF THE OFFICE AND ARCHIVES

1. The Bank shall enjoy immunity from every form of legal process, except in cases arising out of or in connection with the exercise of its powers to borrow money, to guarantee obligations, or to buy and sell or underwrite the sale of securities, in which case actions may be brought against the Bank in a court of competent jurisdiction in the Republic of Haiti.
2. Notwithstanding the provisions of paragraph 1 of Article IV, no action shall be brought against the Bank by the Government or by any of its agencies, or by any entity or person directly or indirectly acting for or deriving claims from the Government or any of its agencies.
3. The Bank and its property, wherever located and by whomsoever held, shall be immune from all forms of seizure, attachment or execution before delivery of a final judgement against the Bank and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by the Government.
4. The archives of the Bank and, in general, all documents belonging to it, or held by it, shall be inviolable wherever they may be.
5. The premises of the Office shall be inviolable and shall be under the control and authority of the Bank. Except as provided in paragraph 6 of this Article or in connection with suits and judgements against the Bank authorized by the Charter, no officer or official of the Government, or other person exercising any public authority within the Republic of Haiti shall enter the Office to perform any duties therein without the consent of, and under conditions approved by, the Bank, nor shall the service of legal process, including the search for or seizure of private property, take place within the Office without the express consent of, and under conditions approved by, the Bank.
6. Officials or agents of the Republic of Haiti may enter the Office in their official capacity only at the request or with the express consent of the Bank Representative or his designate. In case of force majeure, fire or any other catastrophe requiring urgent protective measures, the consent of the Bank Representative shall be presumed to have been given. However, at the request of the Bank Representative, any person who has entered the Office on the basis of such a presumption shall leave the Office immediately.

7. Relevant authorities of the Republic of Haiti shall take, as far as possible, all the necessary measures to protect the Office against any intrusion or attack, and to ensure its tranquility.

Article IV

PUBLIC SERVICES, COMMUNICATIONS, SOCIAL SECURITY AND RETIREMENT

1. The Government undertakes to assist the Bank in obtaining and making available, as the case may be, the necessary public services for the Office on equitable terms. The costs of these services shall be borne by the Office. In the event of interruption or threat of interruption of any of these services, Government or the competent authorities shall take the necessary measures to ensure that the activities of the Bank in the Republic of Haiti are not adversely affected by such a situation.
2. All communications to and from the Office, or from CDB staff members and consultants and experts performing missions for the Bank, in whatever form or whatever means transmitted shall be immune from censorship and any other form of interception or interference with their privacy. Such communication shall include but not limited to correspondence, publications, documents, still and moving pictures, electronic mail, films and sound recordings.
3. In view of the fact that CDB staff members are covered by the Bank's Old Pension Plan and New Pension Scheme ("the CDB Pension Schemes"), the Office shall not be required to contribute to any existing national social security scheme in the Republic of Haiti and the Government will not be able to demand that members of the Office covered by the CDB Pension Schemes join such schemes.

Article V

FINANCIAL FACILITIES AND TAX EXEMPTIONS

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Bank may freely:
 - (a) purchase, hold and dispose of any assets, funds, currencies, financial instruments and securities, operate accounts in any currency, engage in financial transactions and conclude financing contracts; and
 - (b) transfer its assets of any kind to or from the Republic of Haiti or within the Republic of Haiti and convert any currency held by it into any other currency.
2. The Government shall provide the Bank, at the most favourable exchange rate officially recognized, its national currency, in the amounts required to meet expenditures of the Bank in the Republic of Haiti.
3. The Bank, its assets, property, income and its operations and transactions shall be:
 - (a) exempt from all direct taxation and from all customs duties on goods imported for its official use; and
 - (b) exempt from customs duties and all import and export prohibitions and restrictions regarding its publications.

4. The Government shall not levy any tax of any kind on any obligation or security issued or guaranteed by the Bank, including any dividend or interest thereon, by whomsoever held:
 - (a) which discriminate against such obligation or security solely because it is issued or guaranteed by the Bank; or
 - (b) if the sole jurisdictional basis for such taxation is the place or the currency in which it is issued, made payable or paid, or the location of the Office.

Article VI
ENTRY, TRAVEL AND STAY

1. CDB Travel Certificates issued to CDB staff members shall be recognized and accepted as valid titles for travel by the Government.
2. Visa applications (where visas are required) from CDB staff members holding CDB Travel Certificates will be processed within the shortest possible period.
3. Facilities similar to those referred to in paragraph 2 shall be granted to consultants and experts performing missions for the Bank.
4. The Government shall facilitate the entry into and departure from the Republic of Haiti for persons travelling to or from the Office, who hold official positions in the Office or are invited to the Republic of Haiti by the Office.
5. The Government undertakes to authorize the Bank Representative, CDB staff members, consultants, experts performing missions for the Bank and any other person invited by the Bank and their family members to enter the Republic of Haiti and to remain in the country for the duration of their duties or missions to the Bank.
6. Subject to its laws and regulations relating to areas for which access is prohibited or regulated for reasons of national security or public health, the Government shall ensure freedom of movement within its territory for all CDB staff members, consultants and experts performing missions for the Bank.
7. The Bank Representative shall provide the Government with a list of CDB staff members (including members of their family) and/or as the case may be, consultants, and will inform them of any changes to this list. Upon notification of the appointment of CDB staff members and/or as the case may be consultants, the Government will issue to each of these persons an official card with the photograph of the cardholder and identifying him/her as a member of the Office. This card will be recognized by the relevant authorities as proof of the identity of the person and his or her position as a member of the Office.