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**International Fund for Agricultural Development
and
India**

Agreement on the establishment of the IFAD's Country Office between the Republic of India and the International Fund for Agricultural Development. Delhi, 27 March 2014, and Rome, 3 April 2014

Entry into force: *3 April 2014 by countersignature, in accordance with article XIV*

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**Fonds international de développement agricole
et
Inde**

Accord entre la République de l'Inde et le Fonds international de développement agricole concernant l'établissement du bureau de pays du FIDA. Delhi, 27 mars 2014, et Rome, 3 avril 2014

Entrée en vigueur : *3 avril 2014 par contreseing, conformément à l'article XIV*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT ON THE ESTABLISHMENT OF THE IFAD'S COUNTRY OFFICE
BETWEEN THE REPUBLIC OF INDIA AND THE INTERNATIONAL FUND FOR
AGRICULTURAL DEVELOPMENT**

WHEREAS the International Fund for Agricultural Development (IFAD), a Specialised Agency of the United Nations Organisation, wishes to establish a Country Office in the Republic of India to support its operation, including supervision of projects, consolidate its cooperation and linkages; be close to its partners and programmes; and manage knowledge.

WHEREAS the Government of the Republic of India agrees to permit the establishment of such an office.

WHEREAS the Republic of India acceded on 10 February 1949 to the Convention on the Privileges and Immunities of the Specialised Agencies, 1947.

WHEREAS the Republic of India ratified on 28 March 1977 the Agreement Establishing IFAD.

NOW THEREFORE, the Government of the Republic of India and IFAD hereby agree as follows:

Article I

DEFINITIONS

For the purpose of this Agreement:

- (a) "Government" means the Government of the Republic of India;
- (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 Republic of India;
- (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, 1947.

Article II

JURIDICAL PERSONALITY OF THE FUND

1. The Government recognizes the juridical personality of the Fund, and in particular its capacity:
 - (i) to contract;
 - (ii) to acquire and dispose of movable and immovable property; and
 - (iii) to be a party to judicial proceedings.

2. The Government shall permit the Fund to purchase or 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 III

INVIOABILITY 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 should 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 Republic of India.
5. The authorities, officials and agents of the Republic of India 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 Republic of India 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.

Article IV

PUBLIC SERVICES

1. The Government undertakes to assist the Office as far as possible in obtaining and making available where applicable the necessary public services on equitable terms. The Office shall bear the costs 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 any other international organisation and shall therefore take the necessary measures to ensure that the Office's activities are not impaired by such a situation.

Article V

COMMUNICATIONS

The Office's communications shall enjoy protection under the conditions and limitations defined in section 11 and 12 of the Convention on the Privileges and Immunities of the Specialised Agencies.

Article VI

TAX EXEMPTION

1. The Office, its assets, income and other property shall be :

(a) exempt from all direct taxes; it is understood, however, that the IFAD Country Office will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;

(b) exempt from custom duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Country Office for its official use; it is understood, however, that articles imported under such exemption will not be sold in India except under conditions agreed to with the Government of the Republic of India ;

2. While the IFAD's Country Office will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless if the IFAD's Country Office in India makes important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Republic of India agrees to, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE VII

FINANCIAL FACILITIES

1. In connection with its official activities the Office may freely:

(a) acquire currencies and funds, hold them, use them, and have accounts in the Republic of India in Indian rupee (INR) or any other currency and convert any currency held by it into any other currency.

2. The Office shall enjoy the same exchange facilities as other international organisations represented in the Republic of India.