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**International Fund for Agricultural Development
and
Malawi**

Headquarters Agreement between the Republic of Malawi and the International Fund for Agricultural Development on the establishment of IFAD's country office. Rome, 18 October 2011

Entry into force: *18 October 2011 by signature, in accordance with article XIV*

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**Fonds international de développement agricole
et
Malawi**

Accord de siège entre la République du Malawi et le Fonds international de développement agricole relatif à l'établissement du bureau de pays du FIDA. Rome, 18 octobre 2011

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

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 Malawi to support its operation, including supervision of projects: consolidate its cooperation and linkages; be close to its partners and programmes; and manage knowledge; and the Republic of Malawi agrees to permit the establishment of such an office.

WHEREAS the Republic of Malawi acceded on 2 August 1965 to the Convention on the Privileges and Immunities of the Specialised Agencies.

WHEREAS the Republic of Malawi ratified on 13 December 1977 the Agreement Establishing IFAD.

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

Article I

DEFINITIONS

For the purpose of this Agreement:

- (a) "Government" means the Republic of Malawi;
- (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 Malawi;
- (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 juridical 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 Malawi.
5. The authorities, officials and agents of the Republic of Malawi 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 Malawi 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's officials who are not citizens or permanent residents of the Republic of Malawi shall be entitled to the same inviolability and protection as the Office.

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

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

- (a) all direct and indirect taxes on goods directly imported or purchased locally by the organisation for its official use in the Republic of Malawi, 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. However, it is understood that the Office shall not be exempted from prohibitions or restrictions on imports and exports in respect of articles imported or exported by the Office for its official use. Articles imported under such exemption will not be sold in the Republic of Malawi except under conditions agreed with the Government; and subject to compliance with such conditions as the Commissioner General of the Malawi Revenue Authority (MRA) may prescribe for the protection of revenue.
- (c) customs duties or other taxes on imports and exports in respect of its publications.

ARTICLE VII

FINANCIAL FACILITIES

1. In connection with its official activities the Office may freely:
 - (a) acquire currencies and funds, hold them, use the, and have accounts in the Republic of Malawi in local currency or any other currency and convert any currency held by it into any other currency.
 - (b) transfer currencies within the territory of the Republic of Malawi.
2. The Office shall enjoy the same exchange facilities as other international organisations represented in the Republic of Malawi.

Article VIII

SOCIAL SECURITY

Since IFAD's officials are covered by the Fund's social security scheme or a similar scheme, the Office shall not be required to contribute to any social security scheme in the Republic of Malawi, and the Government shall not require any member of the Office covered by the Fund's scheme to join such a scheme. However, it is understood that IFAD shall be responsible to contribute for social security scheme for its employees who are not covered by the Fund's scheme.

Article IX

ENTRY, TRAVEL AND SOJOURN

1. The Government shall recognize and accept the United Nations laissez-passer issued to officials of IFAD as valid travel documents.
2. Applications for visas, where required, from officials of IFAD holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of IFAD, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.
3. Similar facilities to those specified in paragraph 2 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling in the business of IFAD.
4. The Government shall facilitate the entry into or departure from the Republic of Malawi, when travelling to or from the Office, of persons exercising official functions at the Office or invited by it.