

CULTURAL EXCHANGES, PROPERTY, AND COOPERATION

Peace Corps

**Agreement Between the
UNITED STATES OF AMERICA
and NEPAL**

Amending the Agreement of August 24, 1962

Effected by Exchange of Notes at Kathmandu October 29
and December 6, 2023

Entered into force December 6, 2023



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”



Government of Nepal
MINISTRY OF FOREIGN AFFAIRS
Kathmandu, Nepal

Note No: EA/AM/USA/20.3/3676

The Ministry of Foreign Affairs of the Government of Nepal presents its compliments to the Embassy of the United States of America in Kathmandu and with reference to the Embassy's Note No.277/2023 dated May 11, 2023 regarding the proposed amendments to the Agreement relating to the establishment of Peace Corps program in Nepal, effected by the exchange of notes at Kathmandu on August 24,1962 (hereinafter referred to as the "Agreement"), has the honor to convey that the Government of Nepal has agreed to the following amendments to the text of the said Agreement.

1. All references in the Agreement to "His Majesty's Government of Nepal" shall be replaced by references to "the Government of Nepal".
2. Three new sentences shall be added at the end of paragraph 2 of the Agreement which shall read as follows:

"The Ministry of the Government of Nepal making the request for Peace Corps Volunteers to serve in Nepal will seek the necessary clearances from the Ministry of Home affairs for such Peace Corps Volunteers to serve in Nepal. The Government of Nepal will issue official visas to Peace Corps Volunteers traveling on passports issued for official purposes by the Government of the United States and/or on the recommendation of the Government of the United States in order for the Peace Corps Volunteer to stay and carry out their training and service in Nepal for the maximum period of their assignment, which consists of 27 months, inclusive of 3 months of in-country training. The service of Peace Corps Volunteers and their visas may be extended upon the recommendation of the Government of the United States and as deemed appropriate by the Government of Nepal."

3. A new sentence shall be added at the end of paragraph 3 of the Agreement which shall read as follows:

"In the case of Value Added Tax (VAT), the Government of Nepal will refund as requested by Peace Corps upon submission of the necessary documentation."





Government of Nepal
MINISTRY OF FOREIGN AFFAIRS
Kathmandu, Nepal

The Ministry of Foreign Affairs of the Government of Nepal avails itself of this opportunity to renew to the Embassy of the United States of America in Kathmandu, the assurances of its highest consideration.



Embassy of the United States of America
Kathmandu

Note No. 769/2023

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Nepal and has the honor to refer to the Ministry's Note No: EA/AM/USA/20.3/3676, dated October 29, 2023, as well as conversations between representatives of the Ministry, the Embassy, and the Peace Corps regarding amendments to the Agreement relating to the establishment of a Peace Corps program in Nepal, effected by an exchange of notes at Kathmandu on August 24, 1962 (hereinafter referred to as "the Agreement").

The Embassy notes in particular that the amendments to the text of the Agreement proposed in the Embassy's note dated May 11, 2023 (subsequently withdrawn) differ from those contained in the Ministry's October 29, 2023 note. In this regard, the proposed amendments to the text of the Agreement contained in the Embassy's May 11, 2023 note were as follows:

1. All references in the Agreement to "His Majesty's Government of Nepal" shall be replaced by references to "the Government of Nepal".
2. Three new sentences shall be added at the end of paragraph 2 of the Agreement which shall read as follows:

"The Government of Nepal will waive the work/labor permit requirements for the Volunteers working in Nepal. The Government of Nepal will issue official visas

DIPLOMATIC NOTE

Volunteers traveling on passports issued for official purposes by the Government of the United States and/or on the recommendation of the Government of the United States in order for the Peace Corps Volunteer to stay and carry out their training and service in Nepal for the maximum period of their assignment, which consists of 27 months, inclusive of 3 months of in-country training. The service of Peace Corps Volunteers and their visas may be extended upon the recommendation of the Government of the United States and as deemed appropriate by the Government of Nepal."

3. A new sentence shall be added at the end of paragraph 3 of the Agreement which shall read as follows:

"In the case of Value Added Tax (VAT), the Government of Nepal will refund as requested by Peace Corps upon submission of the necessary documentation."

The Embassy notes that the new sentences proposed to be added to the end of paragraph 2 of the agreement in the Ministry's note are different than those contained in the Embassy's May 11 note. For example, the reference to clearances from the Ministry of Home Affairs (MHA) are materially different from those set forth in item 2 of the Embassy's May 11 note (which does not refer to the MHA but rather to a waiver of work/labor permit requirements by the Government of Nepal). Due to the material differences between the two

to Volunteers in order for them to stay and carry out their Peace Corps training and service in Nepal for the maximum period of their assignment, not exceeding three years upon the recommendation of the Peace Corps and the appropriate ministry. The Volunteers may extend their service upon the recommendation of the Peace Corps and the respective ministry, and the Government of Nepal will issue official visas for such extensions.”

3. A new sentence shall be added at the end of the last sentence of paragraph 3 of the Agreement which shall read as follows:

“In the case of Value Added Tax (VAT), the Inland Revenue Department will refund as requested by Peace Corps upon submission of the necessary documentation.”

The Ministry’s October 29, 2023 note states that “the Government of Nepal has agreed to the following amendments to the text of the said Agreement,”:

1. All references in the Agreement to "His Majesty's Government of Nepal" shall be replaced by references to "the Government of Nepal".
2. Three new sentences shall be added at the end of paragraph 2 of the Agreement which shall read as follows:

"The Ministry of the Government of Nepal making the request for Peace Corps Volunteers to serve in Nepal will seek the necessary clearances from the Ministry of Home Affairs for such Peace Corps Volunteers to serve in Nepal. The Government of Nepal will issue official visas to Peace Corps

notes, the exchange of these notes did not result in an agreement between our governments to amend the Agreement.

Nevertheless, as expressed by the Embassy during subsequent discussions with the Ministry, the United States does not have objections to the terms proposed in the Ministry's October 29 note for amending the Agreement and is prepared to agree to them. Accordingly, the United States interprets the Ministry's October 29 note as a counterproposal to the Embassy's May 11 note, proposing alternative terms for amending the Agreement, and the United States hereby accepts the Ministry's counterproposal. Therefore, the Embassy has the honor to convey that the Ministry's October 29 note and this note shall constitute an agreement to amend the Agreement, which shall enter into force upon the date of this note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Nepal the assurances of its highest consideration.

Embassy of the United States of America,

Kathmandu, December 6, 2023.

