

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and NEPAL

Effected by Exchange of Notes
Dated at Washington December 19, 1996
and May 13, 1997



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.”

NEPAL

Employment

*Agreement effected by exchange of notes
Dated at Washington December 19, 1996 and
May 13, 1997;
Entered into force May 13, 1997.*

The Department of State to the Nepalese Embassy

The Department of State proposes to the Royal Nepalese Embassy that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in the Kingdom of Nepal and dependents of employees of His Majesty's Government of Nepal assigned to official duty in the United States be authorized to be employed in the receiving state.

For the purposes of this agreement,

"Dependents" shall mean:

Spouses;

Unmarried dependent children under 21 years of age;

Unmarried dependent children under 23 years of age who are in full-time attendance as students at a post-secondary educational institution; and

Unmarried children who are physically or mentally disabled.

For the purposes of this agreement, "official employees" shall mean diplomatic agents, consular officers, and members of support staffs, assigned to diplomatic missions, consular offices and missions to international organizations.

In the case of dependents who seek employment in the United States, an official request must be made to the Office of Protocol in the Department of State. After the processing of the official request, the Royal Nepalese Embassy will be informed that the dependent may accept employment.

In the case of dependents who seek employment in the Kingdom of Nepal, an official request must be made to the Ministry of Foreign Affairs. After the processing of the official request, the United States Embassy will be informed that the dependent may accept employment.

The United States Government and His Majesty's Government of Nepal wish to confirm their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving state in accordance with the Vienna Convention on Diplomatic Relations¹ or the Convention on the Privileges and Immunities of the United Nations,² or any other applicable international agreement, have no immunity

¹ TIAS 7502; 23 UST 3227.

² TIAS 6900; 21 UST 1418.

from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also responsible for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state. Dependents continue to enjoy all other privileges and immunities to which they are entitled.

The Department of State further proposes that, if these provisions are acceptable to His Majesty's Government of Nepal, this note and His Majesty's Government of Nepal's reply concurring herein shall constitute an agreement between the two governments which shall enter into force on the date of that reply note. This agreement shall remain in force until ninety days after the date of the written notification from either government to the other of intention to terminate.

Kendall B. Montgomery

Department of State,
Washington, December 19, 1996.

The Nepalese Embassy to the Department of State

ROYAL NEPALESE EMBASSY
2131 LEROY PLACE, N. W.
WASHINGTON, D. C. 20008

May 13, 1997

The Royal Nepalese Embassy presents its compliments to the Department of State and has the honor to acknowledge receipt of the latter's note of December 19, 1996 proposing that the dependents of employees of His Majesty's Government of Nepal assigned to official duty in the United States and dependents of employees of the United States Government assigned to official duty in Nepal be authorized, on a reciprocal basis, to be employed in the receiving state. A copy of the said note is attached herewith.¹

The Royal Nepalese Embassy has the honour to further confirm that the contents of the note are acceptable in entirety to His Majesty's Government of Nepal.

The Royal Nepalese Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Department of State
Washington, DC 20520

¹For text of the U.S. note, see pp. 2-3.