

No. 7118

**UNITED STATES OF AMERICA
and
AFGHANISTAN**

Agreement for financing certain educational exchange programs. Signed at Kabul, on 20 August 1963

Official texts: English and Afghan.

Registered by the United States of America on 7 February 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
AFGHANISTAN**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Kaboul, le 20 août 1963

Textes officiels anglais et afghan.

Enregistré par les États-Unis d'Amérique le 7 février 1964.

No. 7118. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE ROYAL GOVERNMENT OF AFGHANISTAN FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT KABUL, ON 20 AUGUST 1963

The Government of the United States of America and the Royal Government of Afghanistan ;

Desiring to promote further mutual understanding between the peoples of the United States of America and Afghanistan by a wider exchange of knowledge and professional talents through educational activities ;

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from funds held or available for expenditure by the United States of America for such purposes ;

Have agreed as follows :

Article 1

There shall be established a commission to be known as the Commission for Educational Exchange between the United States of America and Afghanistan (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Royal Government of Afghanistan as an organization created and established to facilitate the administration of an educational program to be financed by funds made available to the Commission by the Government of the United States of America from funds held or available for expenditure by the United States of America for such purposes.

Except as provided in Articles 3 and 8 hereof the Commission shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present Agreement. Such funds as well as the office equipment and supplies acquired for the furtherance of the Agreement shall be regarded in Afghanistan as property of a foreign government. Similarly, citizens and nationals of the United States of America employed by the Commission or brought to Afghanistan by the Commission in furtherance of the purposes of this Agreement shall be accorded the same tax exemptions and immunities as are accorded members of the Peace Corps

¹ Came into force on 20 August 1963, upon signature, in accordance with article 11.

and the Peace Corps Representative in the Agreement between Afghanistan and the United States of America effected by an exchange of notes signed at Kabul September 6 and 11, 1962.¹

The funds made available under the present Agreement, within the conditions and limitations hereinafter set forth, shall be used by the Commission or such other instrumentality as may be agreed upon by the Government of the United States of America and the Royal Government of Afghanistan for the purposes of :

- (1) Financing studies, research, instruction, and other educational activities (i) of or for citizens and nationals of the United States of America in Afghanistan, and (ii) of or for citizens and nationals of Afghanistan in United States of America schools and institutions of learning located in or outside the United States of America ; and
- (2) financing visits and interchanges between the United States of America and Afghanistan of students, trainees, teachers, instructors and professors.

Article 2

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present Agreement, exercise all powers necessary to the carrying out of the purposes of the present Agreement, including the following :

- (1) Plan, adopt and carry out programs in accordance with the purposes of the present Agreement.
- (2) Recommend to the Board of Foreign Scholarships of the United States of America students, trainees, professors, research scholars, teachers, instructors, resident in Afghanistan, and institutions of Afghanistan to participate in the program.
- (3) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the program as it may deem necessary for achieving the purpose and objectives of the present Agreement.
- (4) Acquire, hold and dispose of property (other than real estate) in the name of the Commission as the Commission may consider necessary or desirable, provided, however, that the leasing of adequate housing and facilities for the activities of the Commission will be assured.
- (5) Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in bank accounts in the name of the Treasurer of the Commission or such other person as may be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State of the United States of America. The Treasurer shall deposit funds received in a depository or depositories designated by the Secretary of State of the United States of America.

¹ United Nations, *Treaty Series*, Vol. 461, p. 169.

- (6) Authorize the disbursement of funds and the making of grants and advance of funds for the authorized purposes of the present Agreement, including payment for transportation, tuition, maintenance and other expenses incident thereto.
- (7) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America.
- (8) Incur administrative expenses as may be deemed necessary out of funds made available under the present Agreement.
- (9) With the approval of the Secretary of State of the United States of America and the Royal Government of Afghanistan, administer or assist in administering or otherwise facilitate other programs in furtherance of the purposes of the present Agreement.

Article 3

All commitments, obligations, and expenditures authorized by the Commission shall be made in accordance with an annual budget, to be approved by the Secretary of State of the United States of America.

Article 4

The Commission shall consist of eight members, four of whom shall be citizens of the United States of America and four of whom shall be citizens of Afghanistan. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Afghanistan (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Commission. He shall cast the deciding vote in the event of a tie vote by the Commission and shall appoint the Chairman of the Commission. The Chairman as a regular member of the Commission shall have the right to vote. The citizens of the United States of America on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in Afghanistan, shall be appointed and removed by the Chief of Mission, and one of them shall serve as Treasurer of the Commission. The Afghan members shall be appointed and removed by the Royal Government of Afghanistan.

The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside of Afghanistan, expiration of service, or otherwise, shall be filled in accordance with the appointment procedure set forth in this article.

The members shall serve without compensation but the Commission may authorize the payment of the necessary expenses of the members in attending the meetings of the Commission and in performing other official duties assigned by the Commission.

Article 5

The Commission shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Commission.

Article 6

Reports acceptable in form and content to the Secretary of State of the United States of America shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Royal Government of Afghanistan.

Article 7

The principal office of the Commission shall be in the capital city of Afghanistan but meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the activities of any of the Commission's officers or staff may be carried on at such places as may be approved by the Commission.

Article 8

The Government of the United States of America and the Royal Government of Afghanistan agree that there may be used for the purposes of this Agreement :

- (a) currencies of Afghanistan and other countries equivalent to \$500,000 (United States currency) held or available for expenditure by the Government of the United States of America pursuant to surplus agricultural commodity agreements between the United States of America and such countries ; and
- (b) any other funds held or available for expenditure by the Government of the United States of America for these purposes.

The performance of this Agreement shall be subject to the availability of appropriations to the Secretary of State of the United States of America when required by the laws of the United States of America.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission funds in such amounts as may be required for the purposes of this Agreement but in no event may amounts in excess of the budgetary limitations established pursuant to Article 3 of the present Agreement be expanded by the Commission.

Article 9

The Government of the United States of America and the Royal Government of Afghanistan shall make every effort to facilitate the exchange of persons program

authorized in this Agreement and to resolve problems which may arise in the operation thereof.

Article 10

Wherever, in the present Agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 11

The present Agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Royal Government of Afghanistan.

The present Agreement shall come into force upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Kabul in duplicate, in the English and Afghan languages each of which shall be of equal authenticity this 20th day of August, 1963.

For the Government
of the United States of America :

J. M. STEEVES

For the Royal Government
of Afghanistan :

A. AHMAD POPAL