



REPUBLIC OF GHANA

MINISTRY OF FOREIGN AFFAIRS

Ref: SCR.AD/EMA/DW

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ADMIN

*Pls notify
Washington in
a cable.
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The Ministry of Foreign Affairs of the Republic of Ghana presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's Notes No.65 of 28th July, 1989 concerning a "Dependant Employment Agreement" between the United States and Ghana, and subsequent discussions on the subject.

The Ministry wishes to inform the Embassy that the Government of Ghana has approved the Bilateral Agreement between Ghana and the United States of America on the Employment of Dependant of Diplomatic Staff assigned to Official duty in the Receiving States; on the terms and conditions detailed in the proposed agreement in the Embassy's Note No.65 of 28th July, 1989.

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

Accra, 17th April, 1991.



EMBASSY OF THE
UNITED STATES OF AMERICA

No. 65

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Ghana and has the honor to request the Ministry to designate an official with whom the Embassy can discuss the negotiation of a "Dependent Employment Agreement" between the United States and Ghana as proposed by Ambassador Otoo to the Department of State.

The Department of State received a call from Ambassador Otoo, Embassy of Ghana, requesting that the Department and Embassy proceed with an exchange of diplomatic notes to establish a bilateral agreement which would permit dependents of employees assigned to official duty in the receiving States to take up employment.

Ambassador Otoo stated that he had the approval of the Foreign Minister of Ghana to proceed with an agreement to be signed in Washington.

The Department has requested the Embassy's assessment of the dependent employment situation in Accra based on following criteria:

There are three conditions that must exist to establish a bilateral agreement. 1) Primary among them is that working dependents give up only repeat only civil and administrative immunity and only in actions arising out of such employment and none other. No criminal immunity is to be surrendered. 2) The foreign state must afford official United States dependents a reasonable opportunity to seek employment in the local economy of that state. 3) The time for processing and approval of requests to work must not exceed a reasonable limit, bearing in mind that such dependents normally reside in a particular foreign state for only two to three years.

The following is preferred wording for a bilateral dependent employment agreement which has been sent to Ambassador Otoo:

Quote: The Department of State proposes to the Embassy of Ghana that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Ghana and dependents of employees of the Ghanaian Government assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purposes of this agreement, "dependents" shall include:

-- spouses;

-- unmarried dependent children under 21 years of

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

For the purposes of this agreement, it is understood that employees assigned to official duty includes diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and international organizations.

In the case of such dependents of employees who seek employment in the United States, an official request must be made by the Embassy of Ghana in Washington to the Office of Protocol in the Department of State. Upon verification that the person is a dependent of an official employee of the Ghanaian Government, the Ghanaian Embassy will be informed by the Government of the United States that the dependent may accept employment.

In the case of such dependents of employees who seek employment in Ghana, an official request must be made by the United States Embassy in Accra to the Ghanaian Ministry of Foreign Affairs, which, after verification, shall then inform the United States Embassy that the dependent may accept employment.

The U.S. Government and the Ghanaian Government wish to clarify their understanding that dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to all matters arising out of such employment. Such dependents are also liable for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

The Department of State further proposes that, if these understandings are acceptable to the Government of Ghana, this note and the Government of Ghana's reply concurring therein 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.

Department of State

-- Washington (date)

It is the State Department's position that bilateral agreements expand family member employment opportunities. As the range of family member skills increases there is a need to provide an avenue for employment outside the generally limited opportunities found in U.S. Mission. We wish to provide the opportunity to work in the local economy wherever possible. Therefore, we would welcome a bilateral agreement with Ghana.

The Embassy Administrative Officer, Mr. Thomas Cross, will be the contact officer for discussions on this matter. The Embassy requests that the Ministry provide the name of its contact officer for this matter so that Mr. Cross can schedule an appointment to begin discussions.

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

Embassy of the United States of America

Accra, July 28, 1989

