

EMPLOYMENT

Agreement Between the UNITED STATES OF AMERICA and CONGO

Effected by Exchange of Notes
Dated at Washington April 11 and
May 23, 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.”

CONGO

Employment

*Agreement effected by exchange of notes
Dated at Washington April 11 and May 23, 1997;
Entered into force May 23, 1997.*

The Department of State to the Embassy of Congo

The Department of State proposes to the Embassy of the Republic of Congo that, on a reciprocal basis, dependents of employees of the Government of the Republic of Congo assigned to official duty in the United States and dependents of employees of the United States Government assigned to official duty in the Republic of Congo 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 age;

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

Unmarried children who are physically or mentally disabled.

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

In the case of dependents of employees who seek employment in the Republic of Congo, an official request must be made by the United States Embassy in Brazzaville to the Ministry of Foreign Affairs of the Republic of Congo, which, after verification, shall then inform the United States Embassy that the dependent has permission to accept employment.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of the Republic of Congo in Washington to the Office of Protocol in the Department of State. After processing the official request, the Embassy of the Republic of Congo will be informed by the Government of the United States that the dependent has permission to accept employment.

The Government of the Republic of Congo and the U.S. 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,¹ or any other applicable international agreement, have no immunity from civil and administrative jurisdiction with respect to matters arising out

¹ TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

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. Dependents continue to enjoy all other privileges and immunities to which they are entitled.

The Department of State further proposes that, if these understandings are acceptable to the Government of the Republic of Congo, this note and the Republic of Congo'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, April 11, 1997.

The Embassy of Congo to the Department of State

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No. 0471 ARC/WDC/

Washington, D.C.

L'Ambassade de la République du Congo à Washington présente ses compliments au Département d'Etat et a l'honneur de lui faire savoir que le Gouvernement de la République approuve en toutes et parties de ses dispositions, l'entente que le Département d'Etat a proposé à l'Ambassade du Congo par Note Verbale du 2 Avril 1997, indiquant que sur une base reciproque, les personnes à charge des employés de l'Etat Américain assignés en service officiel au Congo et les personnes à charge des employés de l'Etat Congolais assignés en service officiel aux Etats-Unis soient autorisés à occuper un emploi dans le pays hôte.

Cette approbation a valeur d'accord et l'Ambassade du Congo saurait gré au Département d'Etat des dispositions qu'il voudra bien prendre pour l'entrée effective de cette Entente en vigueur.

L'Ambassade du Congo saisit cette occasion pour renouveler au Département d'Etat, les assurances de sa haute considération.

Fait à Washington, D.C. le 23 Mai 1997.

Département d'État
Washington, D. C.

TIAS 12859

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Washington, D.C.

The Embassy of The Republic of Congo, presents its compliments to the Department of State and has the honor to inform the latter that the Government of The Republic of Congo approves of the Agreement proposed by the Department of State, indicating that on a reciprocal basis, dependents of employees of the Government of the Republic of Congo assigned to official duty in the United States of America and dependents of employees of the United States Government assigned to official duty in the Republic of Congo be authorized to be employed in the receiving country.

The Agreement is accepted, and the Embassy would appreciate it if the Department of State could take the necessary measures to have it come in force.

The Embassy of the Republic of Congo avails itself of this opportunity to renew to the Department of State, the assurances of its highest consideration.

Washington, D.C. May 23, 1997

Department of State
Washington, D.C.