

EMPLOYMENT

**Agreement between the
UNITED STATES OF AMERICA
and DEMOCRATIC REPUBLIC OF THE CONGO**

Effected by Exchange of Notes at
Kinshasa January 12, 2002 and
October 8, 2003



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.”

DEMOCRATIC REPUBLIC OF THE CONGO

Employment

*Agreement effected by exchange of notes at
Kinsbasa January 12, 2002 and
October 8, 2003;
Entered into force October 8, 2003.*

**U.S. Department of State
Office of Language Services
Translating Division**

LS No. 12-2004-0007
ALK/JF
French

Democratic Republic of the Congo
Ministry of Foreign Affairs and International Cooperation
Office of the Minister
Kinshasa
No. 130/0038/CN/01

The Ministry of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo presents its compliments to the Embassy of the United States of America at Kinshasa and has the honor to inform it that the Government of the Democratic Republic of the Congo has now signed, to serve as a replacement for the *de facto* reciprocity arrangement, the United States-Congo bilateral agreement authorizing members of the families of Congolese diplomats accredited in the United States of America and [of] American [diplomats] accredited in the Democratic Republic of the Congo to engage in paid employment.

The Ministry requests that the Embassy of the United States in Kinshasa notify the Department of State of this action.

In addition, the Ministry informs the Embassy that it has provided the Congolese Embassy in Washington with instructions as to follow-up on this matter.

The Ministry of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo thanks the Embassy of the United States in Kinshasa for its assistance and [complimentary close].

Done at Kinshasa on January 12, 2002

Embassy of the United States
Gombe, Kinshasa.

TEXT OF PROPOSED BILATERAL EMPLOYMENT AGREEMENT

THE MINISTRY OF FOREIGN AFFAIRS OF THE D.R. CONGO PRESENTS
ITS

COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES AND HAS THE
HONOR TO PROPOSE THAT OUR GOVERNMENTS CONCLUDE A BILATERAL
WORK AGREEMENT FOR DEPENDENTS OF OFFICIALS SERVING IN OUR
RESPECTIVE COUNTRIES.

THE GOVERNMENT OF THE D.R. CONGO PROPOSES TO THE
EMBASSY OF THE UNITED STATES THAT, ON A RECIPROCAL BASIS,
DEPENDENTS OF EMPLOYEES OF THE UNITED STATES GOVERNMENT
ASSIGNED TO OFFICIAL DUTY IN THE D.R. CONGO AND
DEPENDENTS OF EMPLOYEES OF THE GOVERNMENT OF THE D.R. CONGO
ASSIGNED TO OFFICIAL DUTY IN THE UNITED STATES, BE
AUTHORIZED TO BE EMPLOYED IN THE RECEIVING COUNTRY.

FOR THE PURPOSE 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, IT IS
UNDERSTOOD THAT EMPLOYEES ASSIGNED TO OFFICIAL DUTY
MEANS DIPLOMATIC AGENTS, CONSULAR OFFICERS, AND
MEMBERS OF THE 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 BY
THE EMBASSY OF THE D.R. CONGO 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 GOVERNMENT OF THE D.R. CONGO , AND PROCESSING OF THE
OFFICIAL REQUEST, THE D.R. CONGO EMBASSY WILL BE INFORMED
BY THE GOVERNMENT OF THE UNITED STATES THAT THE DEPENDENT
MAY SEEK AND ACCEPT EMPLOYMENT.

IN THE CASE OF DEPENDENTS OF EMPLOYEES WHO SEEK
EMPLOYMENT IN THE D.R. CONGO , AN OFFICIAL REQUEST MUST BE
MADE BY THE UNITED STATES EMBASSY IN KINSHASA TO THE
D.R. CONGO MINISTRY OF FOREIGN AFFAIRS, WHICH, AFTER
VERIFICATION, SHALL THEN INFORM THE UNITED STATES
EMBASSY THAT THE DEPENDENT MAY SEEK AND ACCEPT EMPLOYMENT.

THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF

THEE D.R.C. CONFIRM 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, ENJOY NO IMMUNITY FROM CIVIL AND ADMINISTRATIVE JURISDICTION WITH RESPECT TO 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. DEPENDENTS CONTINUE TO ENJOY ALL OTHER PRIVILEGES AND IMMUNITIES TO WHICH THEY ARE ENTITLED.

THE GOVERNMENT OF THE D.R. CONGO FURTHER PROPOSES THAT,

IF THESE PROVISIONS ARE ACCEPTABLE TO THE GOVERNMENT
OF THE UNITED STATES, THIS NOTE AND THE EMBASSY OF THE
UNITED STATES' REPLY CONCURRING THEREIN SHALL CONSTITUTE AN
AGREEMENT BETWEEN OUR 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.

THE MINISTRY OF FOREIGN AFFAIRS OF THE D.R. CONGO

AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY
OF

THE UNITED STATES THE ASSURANCES OF ITS HIGHEST
CONSIDERATION.



MINISTRY OF FOREIGN AFFAIRS

LEONARD SHE OKITUNDU

DEC 14 2001

(SIGNATURE AND DATE)

No. 03/171

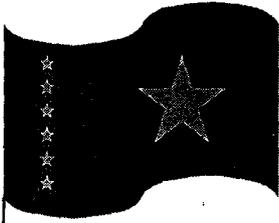
The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of Congo and has the honor to refer to its Diplomatic Note no.130/0038/CN/01 whereby transmitting the Bilateral Agreement with respect to the employment of eligible family members of Congolese diplomats in post in the United States and the eligible family members of U.S. diplomats in post in the Democratic Republic of Congo, as signed by the DRC Government on 14 December 2001.

The Embassy has the honor to inform the Ministry of Foreign Affairs that it concurs with the Bilateral Agreement as signed by the DRC Government and that it takes effect as of the date of this reply marking the Embassy's concurrence in the Agreement.

The Embassy of the United States of America wishes to take the opportunity to thank the Ministry of Foreign Affairs for its attention to this note and to renew to the Ministry the assurance of its highest consideration.

The Embassy of the United States of America
Kinshasa, 10/08/2003

République Démocratique du Congo



*Ministère des Affaires Etrangères et
de la Coopération Internationale*
Le Cabinet du Ministre

Kinshasa, le

N° 130/0038 /CN/01

Le Ministère des Affaires Etrangères et de la Coopération Internationale de la République Démocratique du Congo présente ses compliments à l'Ambassade des Etats Unis à Kinshasa et a l'honneur de porter à sa connaissance que le Gouvernement de la République Démocratique du Congo vient de signer l'accord bilatéral, en lieu et place du prince de la réciprocité de fait, qui accorde aux membres des familles des diplomates congolais accrédités aux Etats-Unis d'Amérique et Américains accrédités en République Démocratique du Congo d'exercer un emploi rémunéré.

Le Ministère demande à l'Ambassade des Etats-Unis à Kinshasa de porter cette décision à la connaissance du Département d'Etat.

Le ministère informe en outre l'Ambassade que sa Représentation diplomatique à Washington a été instruite de sa part pour le suivi du dossier.

Le Ministère des Affaires Etrangères et de la Coopération Internationale de la République Démocratique du Congo remercie l'Ambassade des Etats Unis à Kinshasa de son aimable collaboration et saisit cette occasion pour lui renouveler l'assurance de sa haute considération.

Fait à Kinshasa, le 12 JAN 2002

A L'AMBASSADE DES ETATS UNIS

12 JAN 2002

A KINSHASA / GOMBE