EMPLOYMENT

Agreement Between the

UNITED STATES OF AMERICA

and GABON

Effected by Exchange of Notes at
Libreville November 26, 2007 and
March 7, 2008

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."

GABON

Employment

Agreement effected by exchange of notes at
Libreville November 26, 2007
and March 7, 2008;
Entered into force March 7, 2008.

N° 141

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Government of the Gabonese Republic and has the honor to propose that the two Governments conclude a bilateral work agreement for dependents of officials serving in the respective countries.

The Embassy of the United States of America proposes to the Government of the Gabonese Republic that, on a reciprocal basis, dependents of employees of the Government of the United States of America assigned to official duty in Gabon and dependents of employees of the Government of the Gabonese Republic 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 mean the following members of the household: spouses (married partners of the opposite sex); unmarried dependent children under 21 years of age living in the household of their parents; unmarried dependent children under 23 years of age living in the household of their parents 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 administrative and technical and service staff assigned to diplomatic missions, consular offices and missions to international organizations.

In general, for dependents who seek employment in the United States, an official request must be made by the Embassy of the Gabonese Republic to the Office of Protocol in the Department of State. For dependents of employees of missions to the United Nations seeking employment, an official request must be made by the mission of the Gabonese Republic to the United Nations to the United States mission to the United Nations. Upon verification that the person is a dependent of an official employee of the Government of the Gabonese Republic, and processing of the official request, the Gabonese Republic Embassy or mission to the United Nations shall be informed by the Government of the United States of America that the dependent may accept employment.

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In the case of dependents of employees who seek employment in the Gabonese Republic, an official request must be made by the United States Embassy in the Gabonese Republic to the Ministry of Foreign Affairs and Cooperation, which, after verification that the person is a dependent of a United States employee assigned to official duty in Gabon, shall then inform the United States Embassy that the dependent may accept employment.

The Government of the United States of America and the Government of the Gabonese Republic waive whatever fees might otherwise be charged in connection with the issuance of employment authorization identification.

The Government of the United States of America and the Government of the Gabonese Republic confirm that if dependents enjoy immunity from civil and administrative jurisdiction in the receiving state in accordance with the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, or any other applicable instrument, such dependents enjoy no such civil and administrative immunity in an action relating to any professional or commercial activity, including employment authorized pursuant to this agreement. Further, to the extent consistent with other international agreements, dependents are responsible for payment of income and social security taxes on any remuneration received as a result of employment in the receiving state.

The Government of the United States of America further proposes that, if these provisions are acceptable to the Government of the Gabonese Republic, this note and the Government of the Gabonese Republic's 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 Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Cooperation of the Gabonese Republic the assurances of its highest consideration.

Embassy of the United States of America
Libreville, November 26, 2007

PRIMATURE

VICE-PRIMATURE

MINISTERE DES AFFAIRES ETRANGERES
DE LA COOPERATION DE LA FRANCOPHONIE
ET DE L'INTEGRATION REGIONALE

SECRETARIAT GENERAL

DIRECTION GENERALE
DES AFFAIRES ETRANGERES

DIRECTION DES AFFAIRES AMERICAINES

N° 00066 /P/VP/MAECFIR/SG/DGAE/D2

REPUBLIQUE GABONAISE
Union-Travail-Justice

Le Ministère des Affaires Etrangères, de la Coopération, de la Francophonie et de l'Intégration régionale présente ses compléments à l'Ambassade des Etats-Unis d'Amérique à Libreville et a l'honneur d'accuser réception de sa note verbale n° 141 du 26 novembre 2007 ainsi libellée :

« L'Ambassade des Etats-Unis à Libreville présente ses compliments à la vice Primature, Ministère des Affaires Etrangères, de la Coopération et de la Francophonie et de l'Intégration Régionale de la République gabonaise et a l'honneur de proposer un Accord Bilatéral de Travail entre les deux gouvernements, concernant les personnes à charges des fonctionnaires en service dans ces respectifs.

L'Ambassade des Etats-Unis d'Amérique propose au Gouvernement de la République gabonaise que, sur une base réciproque, les personnes à charge des employés du Gouvernement des Etats-Unis d'Amérique auxquels ont été assignées des fonctions officielles au Gabon et les personnes à charge des employés du Gouvernement de la République gabonaise auxquels ont été assignés des fonctions officielles aux Etats-Unis, soient autorisées à travailler dans le pays d'accueil.

Au titre de cet accord, « Personne à charge » signifie les membres de la famille ci-après : époux (partenaire mariés de sexe opposé), enfants à charge non mariés, âgés de moins de 21 ans et vivant avec leurs parents ; enfants à charge non mariés, âgés de moins de 23 ans et vivant avec leurs parents et fréquentant à plein temps un établissement universitaire en tant qu'étudiant€ ; et les enfants non mariés et physiquement ou mentalement handicapés.

Au titre de ce accord, on entend par, « employés auxquels ont été assignées des fonctions officielles » les membres du personnel diplomatique, les consuls, les membres du personnel administratif et technique et les agents de service affectés aux missions diplomatiques, aux consulats et aux organisations internationales.

D'une manière générale, une demande officielle sera adressée par l'Ambassade de la République gabonaise à la Direction du Protocole du Département d'Etat lorsque les personnes à charge solliteront un emploi aux Etats-Unis. En ce qui concerne les personnes à charge des employés des Missions des Nations Unies à la recherche d'un emploi, la Mission de la République gabonaise aux Nations Unies adressera une demande officielle à la Mission des Etats-Unis aux Nations Unies. Après vérification que la personne est bel et bien à charge d'un employé officiel du Gouvernement de la République gabonaise et après traitement de cette demande officielle, l'Ambassade ou la Mission de la République gabonaise aux Nations Unies sera informée par le Gouvernement de Etats-Unis d'Amérique que la personne à charge est autorisée à accepter l'emploi.

En ce qui concerne les personnes à charge cherchant un emploi en République gabonaise, l'Ambassade des Etats-Unis en République gabonaise adressera une demande officielle à la Vice Primature, Ministère des Affaires Etrangères, de la Coopération, de la Francophonie et de l'Intégration régionale qui après avoir vérifié que la personne est bel et bien à charge d'un employé des Etats-Unis en mission officielle au Gabon, informera ensuite l'Ambassade des Etats-Unis que cette personne à charge est autorisé à accepter l'emploi.

Le Gouvernement des Etats-Unis d'Amérique et la Gouvernement de la République gabonaise renoncent aux frais qui pourraient être réclamés par rapport à la délivrance des papiers d'identification servant à établir l'Autorisation d'Emploi.

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République gabonaise confirment que dans le cas où les personnes à charge jouissent de l'immunité de juridiction civile et administrative de l'Etat d'accueil conformément à la convention de Vienne sur les Relations Diplomatiques, la convention de Vienne sur les Relations Consulaires ou tout autre instrument pouvant être utilisé, ces personnes à charge ne jouissent pas de cette immunité civile et administrative pour tout acte en rapport avec une quelconque activité professionnelle ou commerciale, y compris dans le cadre de l'emploi autorisé, conformément à cet accord. En outre, afin de se conformer aux autres accords internationaux, les personnes à charge doivent payer l'impôt et les taxes de

sécurité sociale prélevées sur toute rémunération reçue dans l'Etat d'accueil grâce à cet emploi.

En outre, le Gouvernement des Etats-Unis propose que, si le Gouvernement de la République gabonaise accepte les présentes dispositions, cette note et la réponse positive de la République gabonaise constitueront un accord entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République gabonaise qui prendra effet à partir de la date de réponse. Le présent accord restera en vigueur jusqu'à ce que l'un ou l'autre gouvernement déclare son intention d'y mettre fin quatre-vingt-dix jours après la date de la notification faite par écrit.

L'Ambassade des Etats-Unis d'Amérique à Libreville saisit cette occasion pour renouveler à la Vice Primature, Ministères des Affaires Etrangères, de la Coopération, de la Francophonie et de l'intégration régionale de la République gabonaise l'assurance de sa très haute considération. »

Le Ministère propose que la note de l'Ambassades des Etats-Unis d'Amérique ainsi que la présente constituent un accord entre les deux gouvernements qui prendra effet à la date de réponse. Le présent accord restera en vigueur jusqu'à ce que l'un ou l'autre gouvernement déclare son intention d'y mettre fin quatre-vingt-dix jours après la date de la notification faite par écrit.

Le Ministère des Affaires Etrangères, de la Coopération de la Francophonie et de l'Intégration régionale saisit cette occasion pour renouveler à l'Ambassade des Etats-Unis d'Amérique à Libreville les assurances de sa haute considération.

Ministère des Affaires Etrangères, de la Coopération, de la Francophonie et de l'intégration régionale, RÉPUBLIQUE GABONAISE UNION - TRAVAIL - JUSTICE Le Ministre

Libreville le, 07 MARS 2008

AMBASSADE DES ETATS-UNIS D'AMERIQUE

LIBREVILLE

PRIMATURE

VICE-PRIMATURE

MINISTRY OF FOREIGN AFFAIRS,
COOPERATION, FRANCOPHONIE
AND REGIONAL INTEGRATION

HEAD OFFICE OF FOREIGN AFFAIRS

OFFICE OF AMERICAN AFFAIRS

GENERAL SECRETARIAT

N° **00066** /P/VP/MAECCFIR/SGDGAE/D2

REPUBLIC OF GABON
Unity-Labor-Justice

The Ministry of Foreign Affairs, Cooperation, Francophonie and Regional Integration presents its compliments to the Embassy of the United States of America in Libreville and has the honor to acknowledge receipt of its dip note N° 141 of November 26, 2007 as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Government of the Gabonese Republic and has the honor to propose that the two Governments conclude a bilateral work agreement for dependents of officials serving in the respective countries.

The Embassy of the United States of America proposes to the Government of the Gabonese Republic that, on a reciprocal basis, dependents of employees of the Government of the United States of America assigned to official duty in Gabon and dependents of employees of the Government of the Gabonese Republic assigned to official duty in the United States be authorized to be employed in the receiving country.

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NOTE: This is an unofficial translation provided by the Government of the Gabonese Republic. When the official English translation becomes available, it will be added to this publication.

For the purposes of this agreement, it is understood that employees assigned to official duty means diplomatic agents, consular officers, and members of the administrative and technical and service staff assigned to diplomatic missions, consular offices and missions to international organizations.

In general, for dependents who seek employment in the United States, an official request must be made by the Embassy of the Gabonese Republic to the Office of Protocol in the Department of State. For dependents of employees of missions to the United Nations seeking employment, an official request must be made by the mission of the Gabonese Republic to the United Nations to the United States mission to the United Nations. Upon verification that the person is a dependent of an official employee of the Government of the Gabonese Republic, and processing of the official request, the Gabonese Republic Embassy or mission to the United Nations shall be informed by the Government of the United States of America that the dependent may accept employment.

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The Government of the United States of America further proposes that, if these provisions are acceptable to the Government of the Gabonese Republic, this note and the Government of the Gabonese Republic's 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 Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Cooperation of the Gabonese Republic the assurances of its highest consideration."

The Ministry suggests that the dip note of the Embassy of the United States of America and this one constitute an agreement between the two governments that shall take effect from the response date. This agreement will 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, Cooperation, Francophonie and Regional Integration seizes this opportunity to renew to the Embassy of the United States of America in Libreville, the assurance of its highest consideration.

Libreville, March 7, 2008

EMBASSY OF THE UNITED STATES

LIBREVILLE