KAV 6328

Temp. State Dept. No. 03-139

CONGO, DEMOCRATIC REPUBLIC OF THE

Employment of dependents of government employees

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 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
THE 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

(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