

## EMPLOYMENT

Agreement Between the  
UNITED STATES OF AMERICA  
and NAMIBIA

Effectuated by Exchange of Notes  
Dated at Windhoek January 24  
and June 8, 1994



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.”

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# **NAMIBIA**

## **Employment**

*Agreement effected by exchange of notes  
Dated at Windhoek January 24 and June 8, 1994;  
Entered into force June 8, 1994.*

*The American Embassy to the Namibian Ministry of Foreign  
Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 24

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

The Embassy of the United States of America proposes to the Government of Namibia that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Namibia and dependents of employees of the Government of Namibia 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 include:

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 includes 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 Namibia 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 Namibia, the Namibian Embassy will be informed by the Government of the United States that the dependent has permission to accept employment.

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

If this agreement is concluded, the U.S. Government and the Government of Namibia would agree 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,<sup>1</sup> or any other applicable international agreement, have 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.

The Department of State further proposes that, if these understandings are acceptable to the Government of Namibia, this note and the Government of Namibia'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 of the Republic of Namibia the assurances of its highest consideration.

Embassy of the United States of America

Windhoek, January 24, 1994

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<sup>1</sup> TIAS 7502, 6900; 23 UST 3227; 21 UST 1418.

*The Namibian Ministry of Foreign Affairs to the American  
Embassy*

REPUBLIC OF NAMIBIA

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The Ministry of Foreign Affairs of the Republic of Namibia presents its compliments to the Embassy of the United States of America and with reference to the latter's Note No. 24, dated 24 January 1994, has the honour to accept the proposal for a "bilateral work agreement for dependents of officials serving in our respective countries."

The Ministry wishes to confirm that, on a reciprocal basis, dependents of employees of the Government of Namibia assigned to official duty in the United States and dependents of employees of the United States Government assigned to official duty in Namibia shall be authorised to be employed in the receiving country.

The Ministry further wishes to confirm that, for the purpose 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 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 further understood that:

Employees assigned to official duty include diplomatic agents, consular officers, and members of the support staffs assigned to diplomatic missions, consular offices and missions to international organizations.

TIAS 12184

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

Once this agreement is concluded, the U.S. Government and the Namibian Government agree 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 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 Ministry finally confirms that, the Embassy's Note No 24, together with this Note shall constitute an Agreement between our two Governments which shall enter into force on the date of this Note. This Agreement shall remain in force for a period of ninety days after the date of the written notification from either government to the other of its intention to terminate it.

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

8 JUNE 1994

CC. Embassy of the Republic of Namibia  
to the United States of America

