

No. 11048

UNITED STATES OF AMERICA
and
GABON

Agreement to provide certain social security benefits for certain employees of the United States of America in the Republic of Gabon. Signed at Libreville on 25 August 1970

Authentic text: English and French.

Registered by the United States of America on 4 May 1971.

ÉTATS-UNIS D'AMÉRIQUE
et
GABON

Accord visant à admettre à certains bénéfices de la sécurité sociale certains employés des États-Unis d'Amérique dans la République gabonaise. Signé à Libreville le 25 août 1970

Textes authentiques : anglais et français.

Enregistré par les États-Unis d'Amérique le 4 mai 1971.

AGREEMENT¹ TO PROVIDE CERTAIN SOCIAL SECURITY
BENEFITS FOR CERTAIN EMPLOYEES OF THE UNITED
STATES OF AMERICA IN THE REPUBLIC OF GABON

The Government of the Republic of Gabon and the Government of the United States of America,

CONSIDERING that voluntary selective participation by the United States in the social security system of Gabon is not inconsistent with the law of Gabon and is permitted by the law of the United States;

DESIRING to negotiate an Agreement to effect such participation by the United States on behalf of employees of the United States in Gabon who are nationals or permanent residents of Gabon;

HAVING accordingly appointed duly authorized plenipotentiaries for this purpose, have agreed as follows:

I. PARTICIPATION

The United States of America on behalf of those of its employees as specified in the first paragraph of Article II shall participate, subject to the provisions of this Agreement, in the following portions of the law of Gabon:

1. Law No. 6/PR of March 1, 1963 providing for the establishment of a system of family benefits for Gabonese workers, and providing for the organization and operation of the Gabonese Compensation Fund for Family Benefits and Occupational Injuries.
2. Law No. 61/63 of December 28, 1963 providing for the establishment of a system of old-age insurance in the Republic of Gabon.
3. Law No. 3/59 of February 19, 1959 providing for health benefits and workmen's compensation in the Republic of Gabon except as modified by the provisions of Article IV of this Agreement.

¹ Came into force on 25 August 1970, with retroactive effect from 1 January 1968, in accordance with article V (1).

II. APPLICABILITY

1. All employees of the United States in Gabon on the employment rolls of the United States from and after January 1, 1968 who are nationals or permanent residents of Gabon and who are not citizens of the United States shall within the limits of their eligibility under the law of Gabon be covered under this Agreement as it relates to the benefits offered in the laws cited in Article 1 of this Agreement.

2. Nothing in this Agreement is to be construed as a waiver of the sovereign immunity of the United States nor as altering the privileges and immunities derived by the signatories from generally accepted principles of international law and practice and from treaties and agreements in force between them. Nor shall this Agreement subject the United States, its departments or establishments, or its officers or employees who are not within the group identified in paragraph I of this Article to any judicial or administrative action whether civil or penal in nature, provided by the legislation governing the social security system of Gabon or by any other law.

III. ADMINISTRATION

1. Subject to the provisions of paragraph 2 of Article II, above, the United States, with respect to the provisions of the laws cited in Article I as they relate to eligible employees:

- (a) shall pay contributions as an employer, as appropriate;
- (b) shall withhold contributions of its employees, as appropriate;
- (c) shall remit to the appropriate officials of the Republic of Gabon the said contributions;
- (d) shall make returns on forms as considered mutually appropriate;
- (e) shall furnish information as may be relevant to the administration of the laws identified in Article I;

(f) shall provide self-audit and self-inspection of its accounts and financial records in lieu of audit and inspection required by the law of Gabon for private employers.

2. No penalty or penalty interest shall be incurred by the United States and no lien or charge shall be levied against its property because of its agreement to assume the obligations enumerated in paragraph I of this Article.

3. If the United States should become eligible for a refund of contributions made pursuant to this Agreement because of overpayment or other cause, such amounts shall not be refunded during the period this Agreement remains in force, but shall be applied in reduction of future obligations for contributions by the United States. Upon termination of this Agreement, any amounts outstanding to the credit of the United States and held by the Republic of Gabon by virtue of this Agreement shall be promptly refunded.

4. The United States shall remit to the appropriate officials of the Republic of Gabon a sum equivalent to the contributions which the United States would have paid during the period January 1, 1968 to the effective date of this Agreement had this Agreement been in force during such period.

5. The appropriate officials of the Republic of Gabon and the United States shall jointly conclude administrative arrangements, regulatory in nature, for the further implementation of this Agreement. Amendments, modifications, additions, and deletions of provisions in such administrative arrangements may be made by mutual consent throughout the currency of this Agreement.

IV. LIMITATIONS

1. Leave for employees of the United States in Gabon shall be determined in accordance with provisions of United States law relating to annual and sick leave, which shall apply to the exclusion of laws of Gabon. Appropriate reduction in the employer's contribution for sick leave benefits shall be allowed by the Government of Gabon.

2. Benefits for employees on account of work-connected accidents, injuries, illnesses, and disabilities occurring during working hours shall be determined in accordance with provisions of United States law relating to Federal Employees Compensation. Benefits for employees on account of

accidents, injuries, illnesses, and disabilities occurring while traveling to and from site of employment, shall be determined in accordance with provisions of law of Gabon. Appropriate reduction in the employer's contribution for such protection shall be allowed by the Government of Gabon.

3. Without limiting the provisions of the fourth paragraph of Article III, the United States shall be under no obligation whatsoever with respect to participation in the social security system of the Republic of Gabon prior to the date of this Agreement.

V. EFFECTIVE DATE AND SUBSEQUENT AMENDMENT

1. This Agreement shall come into force and be effective on the first day of January 1968, and subject to observance of the agreements and covenants herein shall remain in force until terminated in accordance with article VI below.

2. This Agreement may be amended at any time by mutual consent of the signatories.

VI. TERMINATION OF AGREEMENT

Either party may terminate this Agreement on the thirty-first (31st) day of December of any year by giving notice in writing to the other party on or before the thirtieth (30th) day of the preceding June.

DONE this twenty-fifth (25th) day of August in the year nineteen hundred and seventy at Libreville, Gabon, in the English and French languages, both texts being equally authentic.

For the United States of America:

[Signed]

T. FRANK CRIGLER
Chargé d'Affaires a.i.

For the Republic of Gabon:

[Signed]

JEAN-STANISLAS MIGOLET
Ministre d'État, Chargé du Travail
et de la Prévoyance Sociale