

No. 0617/05

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Socialist Republic of Vietnam and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants, that may occur after the proposed agreement enters into force, and the furnishing of defense articles, related training to include training related to defense articles, including training pursuant to the United States International Military and Education Training program (IMET), and other defense services under the Foreign Assistance Act of 1961, as amended, or successor legislation, from the United States of America to the Government of the Socialist Republic of Vietnam.

In accordance with these discussions, it is proposed that the Government of the Socialist Republic of Vietnam agree:

a. that unless the consent of the Government of the United States of America has been first obtained the Government of the Socialist Republic of Vietnam shall not:

(i) permit any use of such defense articles, related training including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Socialist Republic of Vietnam;

(ii) transfer or permit any officer, employee or agent of the Government of the Socialist Republic of Vietnam to transfer such articles, related training including training materials, or other defense services by gift, sale or otherwise; or

(iii) use or permit the use of such articles, related training including training materials, or other defense services for purposes other than those for which provided;

b. that such defense articles, or related training including training materials, or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

c. that the net proceeds of sale received by the Government of the Socialist Republic of Vietnam in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

d. that the Government of the Socialist Republic of Vietnam shall maintain the security of such defense articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training including training materials, or other defense services by the Government of the United States of America; that it shall, as the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Socialist Republic of Vietnam; and

e. that the Government of the United States of America may also from time to time make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. Acceptance by the Government of the Socialist Republic of Vietnam of such articles, services, or related training shall constitute agreement that such terms and conditions apply. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that act and United States regulations applicable to such transfers.)

If the proposal set forth herein is acceptable to the Government of the Socialist Republic of Vietnam, this Note and the Ministry's affirmative note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

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

The Embassy of the United States of America

Hanoi, June 17, 2005.





MINISTRY OF FOREIGN AFFAIRS  
THE SOCIALIST REPUBLIC  
OF VIETNAM

No: 260 / NG-CM.

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the Embassy of the United States of America and has the honor to inform the Government of the United States of America of the position of the Government of the Socialist Republic of Vietnam regarding the Diplomatic Note 00617/05 dated June 17, 2005 concerning the International Military Education and Training (IMET) Program of the United States of America :

- Vietnam will participate in the IMET Program at the invitation of the Government of the United States of America and the Government of the Socialist Republic of Vietnam will inform the Embassy of the United States of America of the specific programs in which Vietnam intends to participate.

- The proposal set forth in Note 00617/05 is acceptable to the Government of the Socialist Republic of Vietnam.

- This Note and Note 00617/05 of the Government of the United States of America shall constitute an agreement between the two Governments, which shall enter into force on the date of the Diplomatic Note of the Ministry of Foreign Affairs of the Socialist Republic of Vietnam.

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam renews to the Embassy of the United States of America the assurances of its highest considerations.

Hanoi, June 17, 2005

To : Embassy of the United States of America

Hanoi