EMBASSY OF JAPAN
HANOI

Hanoi, August 25, 1994

Excellency,

I have the honour to refer to the recent discussions held between the representatives of the Government of Japan and of the Government of the Socialist Republic of Viet Nam concerning the dispatch of volunteers to the Socialist Republic of Viet Nam under the Japan Overseas Cooperation Volunteers Programme (hereinafter referred to as "the Programme") with a view to promoting technical cooperation between the two countries, and to confirm on behalf of the Government of Japan the following understandings reached between them:

1. At the request of the Government of the Socialist Republic of Viet Nam, the Government of Japan will, in accordance with the laws and regulations in force in Japan, take necessary measures to dispatch the volunteers to the Socialist Republic of Viet Nam for the purpose of contributing to the social and economic development of the Socialist Republic of Viet Nam, according to the schedules to be separately agreed upon between the authorities concerned of the two Governments.

2. The Government of Japan will, subject to budgetary appropriations, take necessary measures to bear the cost of international travel between Japan and the Socialist Republic of Viet Nam and living allowances in the Socialist Republic of Viet Nam for the volunteers, and to make available such equipment, machinery, materials and medical supplies as may be necessary for the performance of their functions.

His Excellency
Mr.NGUYEN MANH CAM
Minister for Foreign Affairs
of the Socialist Republic of Viet Nam

3. The Government of the Socialist Republic of Viet Nam will grant the volunteers the following privileges, exemptions and benefits:

(1) Exemption from customs duties, taxes and charges of any kind in respect of the importation of the equipment, machinery, materials and medical supplies mentioned in paragraph 2 above.

(2) Exemption from customs duties, taxes and charges of any kind other than those for storage, cartage and similar services in respect of the importation of a reasonable amount of their personal and household effects for personal use only.

(3) Exemption from income taxes and charges of any kind on any allowances to be remitted to them from overseas such as the living allowances mentioned in paragraph 2 above.

(4) Free medical care in case of illness or injury suffered during the term of their assignment in the Socialist Republic of Viet Nam.

(5) Rent-free housing accommodations with basic furnishings at places where they are to perform their functions to be assigned to them by the Government of the Socialist Republic of Viet Nam, provided that such accommodations are directly secured by the institutions requesting and receiving a volunteer.

(6) Issuance of identification cards from the volunteer-receiving governmental institution or from the governmental institution overseeing the volunteer-receiving non-governmental organization to the volunteers to facilitate the performance of their functions.

4. (1) The Government of the Socialist Republic of Viet Nam will accept a Representative and Co-ordinators who will discharge in close cooperation with Vietnamese authority concerned the functions to be assigned to them by the Japan International Cooperation Agency, the executing agency for technical cooperation by the Government of Japan, relative to the activities of the Programme in the Socialist Republic of Viet Nam.

(2) The Government of the Socialist Republic of Viet Nam will grant the Representative and the Co-ordinators the following privileges, exemptions and benefits:

(i) Exemption from customs duties, taxes and charges of any kind in respect of the importation of the equipment, machinery, materials and medical supplies, necessary for the performance of their functions.

(ii) Exemption from customs duties, taxes and charges of any kind other than those for storage, cartage and similar services in respect of the importation of a reasonable amount of their personal and household effects for personal use only.

(iii) Exemption from income taxes and charges of any kind on any emoluments or allowances to be remitted to them from overseas.

(iv) Importation free of duties (or purchase from bond in the Socialist Republic of Viet Nam) of one motorcar for each of the Representative and the Co-ordinators.

5. (1) The volunteers, the Representative and the Co-ordinators importing goods free of customs duties, taxes and charges of any kind in accordance with the provisions of sub-paragraphs (1) and (2) of paragraph 3 and sub-paragraphs (2)(i), (ii) and (iv) of paragraph 4 will present specification of such goods to the authority concerned of the Government of the Socialist Republic of Viet Nam.

(2) In compliance with the regulations of the Socialist Republic of Viet Nam concerning temporary admission, all durable goods imported free of customs duties, taxes and charges of any kind will be re-exported unless:

a) They are sold within the territory of the Socialist Republic of Viet Nam with the payment of customs duties, taxes and charges of any kind, or donated to the Government of the Socialist Republic of Viet Nam on its approval; or

b) Such re-exportation is impossible or inappropriate.

6. The Government of the Socialist Republic of Viet Nam will bear responsibility for damage caused within the scope of their official duties in the Socialist Republic of Viet Nam, except when such responsibility arises from gross negligence or wilful misconduct on the part of the volunteers.

7. The two Governments will hold consultations from time to time for the successful implementation of the Programme in the Socialist Republic of Viet Nam.

8. The understandings set out above may be amended by an exchange of notes between the two Governments and terminated by either Government by giving the other six months' prior written notice of its intention to terminate them.

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming on behalf of the Government of the Socialist Republic of Viet Nam the foregoing understandings shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

KAZUO OGURA
Ambassador Extraordinary and Plenipotentiary
of Japan

BỘ NGOẠI GIAO
NƯỚC CỘNG HOÀ XÃ HỘI CHỦ NGHĨA
VIỆT NAM

Hanoi, August 25, 1994

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honour to refer to the recent discussions held between the representatives of the Government of Japan and of the Government of the Socialist Republic of Viet Nam concerning the dispatch of volunteers to the Socialist Republic of Viet Nam under the Japan Overseas Cooperation Volunteers Programme (hereinafter referred to as "the Programme") with a view to promoting technical cooperation between the two countries, and to confirm on behalf of the Government of Japan the following understandings reached between them:

1. At the request of the Government of the Socialist Republic of Viet Nam, the Government of Japan will, in accordance with the laws and regulations in force in Japan, take necessary measures to dispatch the volunteers to the Socialist Republic of Viet Nam for the purpose of contributing to the social and economic development of the Socialist Republic of Viet Nam, according to the schedules to be separately agreed upon between the authorities concerned of the two Governments.

2. The Government of Japan will, subject to budgetary appropriations, take necessary measures to bear the cost of international travel between Japan and the Socialist Republic of Viet Nam and living allowances in the Socialist Republic of Viet Nam for the volunteers, and to make available such equipment, machinery, materials and medical supplies as may be necessary for

His Excellency
Mr.KAZUO OGURA
Ambassador Extraordinary and
Plenipotentiary of Japan

the performance of their functions.

3. The Government of the Socialist Republic of Viet Nam will grant the volunteers the following privileges, exemptions and benefits:

(1) Exemption from customs duties, taxes and charges of any kind in respect of the importation of the equipment, machinery, materials and medical supplies mentioned in paragraph 2 above.

(2) Exemption from customs duties, taxes and charges of any kind other than those for storage, cartage and similar services in respect of the importation of a reasonable amount of their personal and household effects for personal use only.

(3) Exemption from income taxes and charges of any kind on any allowances to be remitted to them from overseas such as the living allowances mentioned in paragraph 2 above.

(4) Free medical care in case of illness or injury suffered during the term of their assignment in the Socialist Republic of Viet Nam.

(5) Rent-free housing accommodations with basic furnishings at places where they are to perform their functions to be assigned to them by the Government of the Socialist Republic of Viet Nam, provided that such accommodations are directly secured by the institutions requesting and receiving a volunteer.

(6) Issuance of identification cards from the volunteer-receiving governmental institution or from the governmental institution overseeing the volunteer-receiving non-governmental organization to the volunteers to facilitate the performance of their functions.

4. (1) The Government of the Socialist Republic of Viet Nam will accept a Representative and Co-ordinators who will discharge in close cooperation with Vietnamese authority concerned the functions to be assigned to them by the Japan International Cooperation Agency, the executing agency for technical cooperation by the Government of Japan, relative to the activities of the Programme in the Socialist Republic of Viet Nam.

(2) The Government of the Socialist Republic of Viet Nam will grant the Representative and the Co-ordinators the following privileges, exemptions and benefits:

(i) Exemption from customs duties, taxes and charges of any kind in respect of the importation of the equipment, machinery, materials and medical supplies, necessary for the performance of their functions.

(ii) Exemption from customs duties, taxes and charges of any kind other than those for storage, cartage and similar services in respect of the importation of a reasonable amount of their personal and household effects for personal use only.

(iii) Exemption from income taxes and charges of any kind on any emoluments or allowances to be remitted to them from overseas.

(iv) Importation free of duties (or purchase from bond in the Socialist Republic of Viet Nam) of one motorcar for each of the Representative and the Co-ordinators.

5. (1) The volunteers, the Representative and the Co-ordinators importing goods free of customs duties, taxes and charges of any kind in accordance with the provisions of sub-paragraphs (1) and (2) of paragraph 3 and sub-paragraphs (2)(i), (ii) and (iv) of paragraph 4 will present specification of such goods to the authority concerned of the Government of the Socialist Republic of Viet Nam.

(2) In compliance with the regulations of the Socialist Republic of Viet Nam concerning temporary admission, all durable goods imported free of customs duties, taxes and charges of any kind will be re-exported unless:

a) They are sold within the territory of the Socialist Republic of Viet Nam with the payment of customs duties, taxes and charges of any kind, or donated to the Government of the Socialist Republic of Viet Nam on its approval; or

b) Such re-exportation is impossible or inappropriate.

6. The Government of the Socialist Republic of Viet Nam will bear responsibility for damage caused within the scope of their official duties in the Socialist Republic of Viet Nam, except when such responsibility arises from gross negligence or wilful misconduct on the part of the volunteers.

7. The two Governments will hold consultations from time to time for the successful implementation of the Programme in the Socialist Republic of Viet Nam.

8. The understandings set out above may be amended by an exchange of notes between the two Governments and terminated by either Government by giving the other six months' prior written notice of its intention to terminate them.

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming on behalf of the Government of the Socialist Republic of Viet Nam the foregoing understandings shall be regarded

as constituting an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply."

I have further the honour to confirm on behalf of the Government of the Socialist Republic of Viet Nam the foregoing understandings and to agree that Your Excellency's Note and this Note shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

For Mr.NGUYEN MANH CAM
Minister for Foreign Affairs

V. Khoan

VU KHOAN
Vice Minister for Foreign Affairs
of the Socialist Republic of Viet Nam

No: 275/ĐBA-NG

NOTE VERBALE

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam presents its compliments to the Embassy of Japan and has the honour to acknowledge the receipt of the latter's Note Verbale No. J.D.164/94 dated August 29. 1994.

The Ministry has further the honour to inform the Embassy that the Government of the Socialist Republic of Viet Nam intends to hold such consultations as mentionned in the said Embassy's Note Verbale.

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam avails itself of this opportunity to renew to the Embassy of Japan the assuranes of its highest consideration.

Hanoi, August 29, 1994.

BỘ NGOẠI GIAO

To : EMBASSY OF JAPAN
in Viet Nam
HANOI

EMBASSY OF JAPAN

HANOI

No.J.D.164/94

Note Verbale

The Embassy of Japan presents its compliments to the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam and, with reference to the Exchange of Notes dated August 25, 1994, concerning the dispatch of volunteers to the Socialist Republic of Viet Nam under the Japan Overseas Cooperation Volunteers Programme, has the honour to state as follows:

In the course of the negotiations on understanding set out in the said Exchange of Notes, the representative of the Government of Japan stated that in case the Government of the Socialist Republic of Viet Nam requests the Government of Japan to dispatch volunteers who will be assigned to carry out activities outside the capital area, the two Governments should, upon request of the Government of Japan, hold consultations on the use of radio-communication sets by the volunteers, the representative and the coordinators in compliance with the regulations of the Socialist Republic of Viet Nam.

The Embassy would highly appreciate it, if the Government of the Socialist Republic of Viet Nam would confirm its intention to hold such consultation.

The Embassy of Japan avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam the assurance of its highest consideration.

Hanoi, August 29, 1994

AMBASSADE DU JAPON • VIET NAM • 日本国大使館

To: Ministry of Foreign Affairs
Socialist Republic of Viet Nam

BỘ NGOẠI GIAO

Số : 112 /LPQT

SAO Y BẢN CHÍNH
"Để báo cáo,
Để thực hiện".

Hà Nội, ngày 15 tháng 9 năm 1994

TL. BỘ TRƯỞNG BỘ NGOẠI GIAO
KT. Vụ trưởng Vụ LP và Điều ước quốc tế
Phó Vụ trưởng



Nguyễn Bá Sơn

Nơi gửi :
- VPCP,
- Bộ Lao động TBXH,
- Bộ Tài chính,
- Bộ Khoa học CNMT,
- UB Kế hoạch NN,
- Ngân hàng NT,
- Tổng cục Hải quan,
- ĐSQ VN tại Nhật Bản,
- Vụ Đông Bắc A,
- Vụ LPQT,
- LT (11b)