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## UPDATE AND UPCOMING MAY 2002

### UPDATE

#### **Deputy USTR Huntsman in Hanoi**

Deputy USTR Jonathan Huntsman Jr. headed a U.S. government led delegation to Vietnam in May 2002 that began the Bilateral Trade Agreement's Joint Committee on Development of Economic and Trade Relations between the U.S. and Vietnam. Ambassador Huntsman met with senior Vietnamese officials including Minister of Trade Vu Khoan to review progress in implementing the agreement. Ambassador Huntsman also met with members of the American business community in Vietnam and USAID funded programs working to provide technical assistance on BTA implementation, including STAR and USVTC-Education Forum. The next senior level meeting of the Joint Committee will be held in 2003.

#### **Vice President Nguyen Thi Binh**

Hosted by the Vietnam Embassy, USVTC Members were pleased to attend a reception in honor of Vice President Nguyen Thi Binh in Washington, DC in mid-May. Mdm. Binh made a short trip to Washington as part of her trip to the U.S. to participate in the United Nations Conference on Children.

#### **Catfish language in Farm Bill**

The 2002 U.S. farm bill, H.R.2646, Section 10806, bans any catfish except the *Ictaluridae* family of catfish from using any market name that includes the term "catfish" in the U.S. This effectively requires all catfish not from the Mississippi delta region -- including Vietnamese catfish -- to use a different market name, notwithstanding past FDA rulings on the market term "catfish". As a result, Vietnam is using the term "basa" or "tra" for its catfish in the U.S.

#### **Vice Minister Luong Van Tu and Ministry of Trade Delegation**

Vice Minister Luong Van Tu, Vietnam's principle negotiator for WTO accession and with responsibilities for BTA implementation, visited the U.S with a delegation of 50+ key Vietnamese government officials and business representatives for the purpose of further developing the bilateral trade relationship.

#### **UPCOMING HIGHLIGHTS**

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- ★ Bush Administration to Extend Jackson-Vanik Waiver - June 3
- ★ Minister of Justice Delegation June 1-5
- ★ Office of the Government Transparency Delegation to New Zealand - June 24-29
- ★ Investment and Services Seminars - July 8-12, 2002
- ★ Commerce Department Insurance Seminar with Ministry of Finance - July 2002
- ★ Dartmouth University Tuck School of Business Executive Training Program - June 5, 2002
- ★ BTA Summary - June 2002
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- ★ TRIMs Analysis - June 2002
- ★ Catalogue of Legal Updates monthly

### **De-Briefing of the Ministry of Finance Delegation at Ambassador Burghardt's Residence**

U.S. Ambassador Burghardt hosted the Forum's Ministry of Finance delegation at his residence to discuss and provide follow-up on their study tour organized by the Forum early this year. Sponsored by USAID, the study tour to Washington, D.C. and New York focused on the areas of tariffs, accounting & auditing, taxation and insurance services, and had consultations with ACE, American International Group, Citigroup, Ernst & Young, KPMG, and New York Life International, in addition to sessions with U.S. government agencies and Congressional Offices.

### **Workshops on "Doing Business in the U.S."**

In late May, the Forum organized several workshops in Hanoi and Ho Chi Minh City conducted by Henry Gallagher – President, Vietnam Enterprise Group, Inc. These workshops for Vietnamese companies focused on the legal and cultural aspects of doing business in the U.S. and were organized in cooperation with the Vietnam Union of Friendship Organizations (VUFO) and the Vietnam Chamber of Commerce and Industry (VCCI) in Hanoi, and the Ho Chi Minh City Economics University, the Fulbright Learning Center, and the Ho Chi Minh City Bar Association in Ho Chi Minh City. Mr. Gallagher has had many years consulting with Vietnamese clients and practices small business law in Washington, D.C.

### **Patent & Trademark Visiting Scholars Program**

The Forum hosted Ms. Phan Thi Chinh - Director of the Department for Training and Mr. Phan Phung Tuan - Director of the Registration Division, both from the National Office of Industrial Property in Washington, D.C. this month to participate in the two-week U.S. Patent & Trademark Office Visiting Scholars' Program. The program focused on specific intellectual property topics including patent applications, conditions for patentability and search techniques; the TRIPs Agreement relating to Copyright, Patents, Trademarks and Enforcement; Trademark applications, examination, descriptiveness, and refusals; design protection issues; and coordination issues between enforcement and registration.

### **National Assembly Delegation**

The U.S.-Vietnam Trade Council and New York Life International were pleased to host a luncheon for a delegation from the National Assembly of Vietnam (NAV) during their short trip to Washington, DC. The delegation included Chairman Do Van Tai, Foreign Affairs Committee, NAV, Chief of Delegation; Vice Minister Le Van Bang, Ministry of Foreign Affairs; Vice Chair of Delegation, Chairman Cu Hoa Van, Ethnic Committee, NAV; Chairman Ly Tai Luan, Economic and Budget Committee, NAV; Member Pham Thanh Ngan, Foreign Relations Committee, NAV, Thai Nguyen Province; Vice Chair Mai Hoa Niech Dam, Peoples Committee of Dak Lak Province, NAV; Neang Kim Cheng, Delegate for An Giang Province; Pham Van Que, Deputy Director, Americas Department, Ministry of Foreign Affairs; Tran Thi Bich Van, Desk Officer, Americas Department, Ministry of Foreign Affairs; and Le Thu Ha, Director for External Relations, Office of the National Assembly. The luncheon was sponsored by New York Life International.

### **E-Commerce Workshops**

The U.S.-Vietnam Trade Council and the U.S. Department of Commerce (DOC) organized two bilateral workshops on E-Commerce Policy, Legal, and Regulatory Issues. The workshops preceded the 25th APEC Telecommunications & Information Working Group Meetings in Hanoi this year and were in response to Vietnam's initiative to strengthen the legal framework for electronic commerce. These workshops provided technical assistance on Critical Infrastructure Protection, E-Authentication, and Data Protection. Participants included Michael Frisby – Senior Commercial Officer, U.S. Foreign & Commercial Service (FCS); Greg Loose – Principal Commercial Officer, FCS; Tu-Trang Phan – Industry Specialist, Office of Information Technologies, DOC; Fred Burke – Managing Partner, Baker & McKenzie; Dan Hurley – Director, Communications & Information Infrastructure Assurance Program, National Telecommunication & Information Administration, DOC; Lauren Hall – Executive Vice President & Chief Technology Officer, Software & Information Industry Association; William Yue – Senior Counsel, Office of General Counsel, DOC; and Helen Woollett – Public Affairs Manager, IBM Australia Ltd. As a follow-up, the Forum will co-publish a handbook for companies in the Information Technology sector with Research Vietnam. These projects have been made possible under a grant from the U.S. Trade & Development Agency.

### **Ministry of Labor, Invalids and Social Affairs Delegation to the U.S.**

Pursuant to a grant from the U.S. State Department's Bureau of Educational and Cultural Affairs, the Forum hosted Vice Minister Nguyen Luong Trao and a delegation of officials from Ministry of Labor, Invalids and Social Affairs ("MOLISA") and the National Assembly to the U.S. The program included official U.S.-Vietnam Labor dialogue, plus consultations and workshops with the U.S. Department of Labor, the Department of State, Members of Congress, the Federal Mediation and Conciliation Services, National Relations Labor Board, U.S. Trade Representative, American labor unions, and representatives from the private sector. In particular, the delegation met with DOL Deputy Undersecretary Thomas Moorhead - Bureau of International Labor Affairs, AFL-CIO President John Sweeney, Congressmen Sandy Levin, George Miller and Lane Evans.

### **UPCOMING**

#### **Bush Administration to extend Jackson-Vanik waiver -- June 3, 2002**

As part of the annual renewal procedure, President Bush is expected to submit to Congress before June 3<sup>rd</sup> his intent to renew presidential authority to grant waivers under the Jackson-Vanik amendment, and his intent to extend the waiver for Vietnam in particular. Unless overturned by a 2/3 majority of Congress, the waiver will continue Vietnam's NTR status and export support programs for another year.

#### **Minister of Justice Delegation – June 1-5, 2002**

UNDP and the Forum will host a visit by Vietnam's Minister of Justice Nguyen Dinh Loc to Washington, DC and New York in early June 2002 to discuss BTA implementation with U.S. government, judicial and Congressional officials, and representatives of the private sector. The delegation will be in Washington and New York June 2-5, 2002.

#### **Office of the Government Transparency Delegation to New Zealand – week of June 24, 2002**

As a follow-up to a USAID funded study tour to the U.S. on transparency issues last year, and in preparation for the completion of the Decree on the Official Gazette expected for submission to the Government in July, the Forum looks forward to hosting a second USAID supported delegation of representatives from the Office of the Government to New Zealand in July or August. Organized with the assistance and cooperation of New Zealand Ambassador to Vietnam Malcolm McGoun and New Zealand's Ministry of Foreign Trade, the study tour will include visits to Wellington and Auckland.

#### **Investment and Services Seminars – July 8-12, 2002**

With cooperation from the Ministry of Planning & Investment, the Forum looks forward to hosting Dan Price, now from Sidley Austin Brown & Wood LLP (S ABW) to Hanoi to conduct workshops and seminars on investment related issues including ICSID and TRIMs, and other issues covered by the investment chapter of the BTA. A follow on visit to Washington DC in preparation for Vietnam's ICSID Accession is under discussion. The Forum also looks forward to hosting Andrew Shoyer – Attorney with SABW, in Hanoi in early July. Mr. Shoyer will provide technical assistance to the Ministry of Finance on Financial Services relating to the BTA and WTO. This program is funded by Atlantic Philanthropies.

#### **U.S. Department of Commerce Insurance Seminar – July 2002**

As a follow-up to technical assistance on insurance provided since 1999, the U.S. Department of Commerce's Office of Financial Services will visit Hanoi to provide technical expertise on prudential regulations, implementation of insurance commitments made under the BTA, and insurance issues related to the WTO. As with past Commerce Department and Foreign Commercial Service programs, the Forum will help sponsor such a visit and assist in private sector input and participation. We look forward to working with AIG, ACE, New York Life, and SABW on this program.

#### **Dartmouth University Tuck School of Business Executive Training Program – June 5, 2002**

The Forum is organizing two panel discussions and a reception for the Tuck School and Hanoi School of Business on the Washington portion of the International Executive Development Program for Vietnamese

Managers. The twenty-three Vietnamese business executives in the program come from several different sectors, including banking and investment, construction, textiles and pharmaceuticals. The Forum assists the Tuck School program annually with the Washington portion of this program for executive training of Vietnamese managers. Participants this year include Joe Damond – PhRMA; Peter Thorin – U.S. Department of State; Mark Manyin – Congressional Research Service; Norman Toai – International Trade Commission; Tim Fisher – ACE; and Andy Durant - Samuels International.

#### **Labor Fact Sheet – June 2002**

In preparation for Vietnam’s Jackson-Vanik renewal in Congress this summer, the Forum is working to compile a fact sheet relating to Vietnam labor issues. The fact sheet will provide information on Vietnam’s labor laws, participation in international labor conventions, a chronology on the U.S.-Vietnam bilateral dialogue, and updated information on the Amendments to the Labor Code passed in April by the National Assembly.

#### **BTA Summary – June 2002**

The Forum’s Summary of the U.S.-Vietnam Trade Agreement in both English and Vietnamese will soon be published as a document designed to help facilitate the use and understanding of the BTA. This 30-page summary was written by the Sidley Austin Brown & Wood LLP international trade team and is being published in cooperation with the Ministry of Trade. It will be available on our website and through our offices in Hanoi, Ho Chi Minh City and Washington in early June 2002. Funding for this project has been provided through USAID and Atlantic Philanthropies.

#### **BTA Frequently Asked Questions (FAQs) – June 2002**

The Forum is currently compiling frequently asked questions relating to the BTA including basic facts on the BTA and its implementation, Vietnam’s NTR status, Congressional procedures for the Jackson-Vanik waiver, eligibility for GSP, and WTO accession. It will be soon available on the website.

#### **TRIMs Analysis – June 2002**

At the request of the Ministry of Planning & Investment in July 2001, the Forum is finishing an in-depth analysis of Vietnamese law in relation to TRIMs obligations required by the WTO and made under the BTA. The Forum has been working with the law firms of Russin & Vecchi and SABW on this project and expect to complete this document by early June 2002. This project was funded under USAID.

#### **“Catalogue of Legal Updates” – monthly**

As a follow on to the USAID funded Road Map of BTA Commitments produced by the Forum with Baker & McKenzie, we have since July 2000 and on a monthly basis compiled the Catalogue of Legal Updates identifying laws and regulations promulgated by Vietnam as they relate to obligations under the BTA. The Catalogue is done in cooperation with Phillips Fox Lawyers and is available on our website.

#### **Website <http://www.usvtc.org>**

In order to promote public awareness and outreach on issues relating to the BTA, the U.S.-Vietnam Trade Council continues to update our website offering access to information on U.S. import regulations, American and Vietnamese business practices, a Summary of the BTA, and materials developed under our technical assistance program. In addition, the website archives news clippings, relevant links, research materials, and provides a mechanism for research assistance for questions relating to the BTA.

**Please contact us or check our website for further information on any of the items listed above.**