

UPDATE
MAY 2004



U.S.-Vietnam Congressional Caucus

The U.S.-Vietnam Trade Council was pleased to have assisted with a Congressional reception on 28 April 2004 to honor the establishment of a U.S.-Vietnam Congressional Caucus. Chaired by Rep. Rob Simmons (R-CT) and Rep. Lane Evans (D-IL), the Caucus is designed to address the wide range of political, economic, diplomatic and military issues in the growing bilateral relationship between the U.S. and Vietnam. For further information including the Caucus mission statement, please refer to the following link: <http://www.usvtc.org/Vietnam%20Congressional%20Caucus.htm>. We would like to extend our thanks to Anheuser Busch, ACE, Boeing, Liberty Mutual, Oracle, New York Life International, and NIKE for their kind sponsorship.

Ambassador Nominee Michael Marine

President George W. Bush has nominated Michael W. Marine as the next American ambassador to Vietnam following Ambassador Ray Burghardt. Mr. Marine, most recently deputy chief of mission in Beijing, would be the third post-war U.S. ambassador in Hanoi. On 22 April 2004, the Senate Foreign Relations Committee held confirmation hearings for the U.S. Ambassador Designate. A full floor vote in the Senate is required for final confirmation.

UPCOMING HIGHLIGHTS

(SEE PAGE 5 FOR FURTHER DETAILS)

- ★ **U.S.-Vietnam BTA Joint Committee Meeting, 17 – 21 May 2004**
- ★ **USVTC Meeting for U.S. Companies with Deputy USTR Josette Shiner, 20 May 2004**
- ★ **Embassy of Vietnam and USVTC Reception in honor of Vice Minister of Trade Luong Van Tu, 20 May 2004**
- ★ **USVTC WTO Program with Singapore Ministry of Foreign Affairs, 28 June – 2 July 2004**
- ★ **WTO accession meeting in Geneva, mid June 2004**

USVTC Board Meeting

The Trade Council was pleased to hold its annual spring Board meeting in Washington on April 15th with guest speakers Vietnam's Ambassador Nguyen Tam Chien and USTR's BTA counterpart and WTO negotiator Elena Bryan. The Council also looks forward to the upcoming 15th anniversary of its founding and 10th year anniversary of diplomatic normalization.

Visit to Vietnam of WTO Deputy Director General Rufus Yerxa

To assist with the acceleration of Vietnam's WTO accession and in preparation for the next offers to WTO, the U.S.-Vietnam Trade Council was pleased to have worked with the Government of Vietnam on the successful visit of Rufus Yerxa, Deputy Director General of the WTO, on April 5-8, 2004. While in Hanoi, Mr. Yerxa met with senior Vietnamese Government of Vietnam officials including Deputy Prime Minister Vu Khoan; Trade Minister Truong Dinh Tuyen; Vice Trade Minister Luong Van Tu; Vice Minister of Foreign Affairs Le Van Bang; and Vice Chair of the National Assembly's Foreign

Affairs Committee Nguyen Ngoc Tran; and worked intensively with the government's inter-ministerial WTO negotiating team. Mr. Yerxa also spoke to members of the U.S.-VTC and the American Chamber of Commerce, met with Ambassador Burghardt and members of the diplomatic community and multilateral organizations, and foreign and local press.

Vietnam WTO Accession

In late April 2004 Vietnam submitted to the WTO Secretariat and its Working Party a new round of paperwork, including new offers on goods and services. These submissions included revised action plans on the implementation of key WTO agreements. Vietnam's next Working Party meeting is scheduled for mid June. USVTC looks forward to assisting in this effort and hosting events around this meeting.

USVTC Meeting with John Boardman - Deputy Chief of Mission Designate to the U.S. Embassy in Hanoi

The Trade Council was pleased to organize a briefing for U.S. companies with John Boardman – Deputy Chief of Mission Designate to the U.S. Embassy in Hanoi. Mr. Boardman will replace current Deputy Chief of Mission, Robert Porter, and is expected to begin his post mid- summer 2004.

USVTC testifies at Congressional Hearing

On 12 February 2004, the Senate Foreign Relations East Asia and Pacific Affairs Sub-Committee held hearings on "Trade & Human Rights: The Future of U.S.-Vietnamese Relations." The hearings focused primarily on religious freedom in Vietnam. Testimony provided by U.S.-Vietnam Trade Council President Virginia Foote can be viewed at: <http://www.usvtc.org/Virginia%20Foote%20Testimony%20Senate%20Foreign%20Relations%20Committee%20Feb%202004.htm>. On 4 March, Senator Brownback introduced S. Res. 311 calling on Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly. Similar legislation (H. Con. Res. 378) was passed in the U.S. House of Representatives on 12 May 2004.

USVTC Congressional Staff Delegation to Vietnam

The Trade Council was pleased to have hosted a recent congressional staff delegation's visit to Vietnam. Participants of the delegation included key staffers involved in the establishment of the U.S.-Vietnam Congressional Caucus, including Erik Eikenberg – Chief of Staff, Congressman Clay Shaw (R-FL); Richard Kessler – Democratic

Subcommittee Staff Director, Subcommittee on Financial Management, the Budget, and International Security, Senator Daniel Akaka (D-HI); Todd Menotti – Legislative Assistant, Senator Evan Bayh (D- IN); Kevin Gash – Legislative Director, Congressman Lane Evans (D-IL); and Michael Dillon – Senior Legislative Assistant, Congressman Rob Simmons (R- CT). While in Vietnam, delegate members met with Vice Minister of Labor Nguyen Luong Trao; Vice Minister of Finance Le Thi Bang Tam; Vice Minister of Foreign Affairs Le Van Bang; Vice Chairman of the Government Office Nguyen Quoc Huy; Vice Chairman of the General Confederation of Labor Nguyen Hoa Binh; Vice Minister of Trade Luong Van Tu; Vice Minister of Fisheries Nguyen Hong Minh; Deputy Director of the External Relations Department of the National Assembly Ton Nhu Thi Ninh; Vice Chairman of the Ho Chi Minh People's Committee Nguyen Thien Nhanh; and the newly ordained Cardinal Honorable Pham Minh Manh. The delegates also met with members of the Vietnam Veterans Association, visited a shrimp farm in Central Vietnam, and a NIKE factory outside Ho Chi Minh City. We would like to extend our sincere thanks to ACE, AIG, Citibank, New York Life International, NIKE, and Unocal for sponsoring this very important mission and to the U.S Embassy and Consulate for their important assistance.

USVTC Survey and Report on BTA Implementation

In February 2004, the U.S.-Vietnam Trade Council Education Forum released a report on the first two years of implementation of the U.S.-Vietnam Bilateral Trade Agreement (BTA). The seventy-six page report, "*The U.S.-Vietnam Bilateral Trade Agreement: A Survey of U.S. Companies on Implementation Issues*", contains references to specific disciplines and provisions in the BTA, analyses on what Vietnam has accomplished to implement its commitments, what issues and challenges U.S. companies continue to face, and recommendations on next steps to take, including issues that could be relevant to Vietnam's WTO accession process. This report was updated and submitted to the Office of the U.S. Trade Representative in conjunction with the annual Joint Committee Meeting on the BTA in May 2004 (see "Upcoming Highlights"). Please refer to our website for the updated report. The Report is also available in Vietnamese.

USVTC Memo on PNTR

The U.S.-Vietnam Trade Council Education Forum has recently released a memo on Permanent

Normal Trading Relations (PNTR) for Vietnam outlining the steps and procedures necessary for Vietnam to receive PNTR status from the U.S. upon its WTO accession. To view this memo, link to: <http://www.usvtc.org/PNTR%20memo%2007may04.pdf>. We would like to thank Vladimir Pregeli of the Congressional Research Service for his assistance on this memo.

USVTC Memo on Religious Freedom Act

The U.S.-Vietnam Trade Council Education Forum has recently released a memo on the International Religious Freedom Act (IRFA) outlining the steps and procedures mandated by the law passed in 1998 as it affects the current countries determined by the Administration to be "countries of particular concern" including China, Burma, North Korea, Sudan, Iran and Iraq. See our website link at: http://www.usvtc.org/Memo%20on%20IRFA_07apr04.pdf.

Antidumping Investigation on Shrimp Imports from Vietnam

On 17 February 2004, the U.S. International Trade Commission (USITC) ruled unanimously on a determination of injury on U.S. industry by "certain imports of frozen and canned warmwater shrimp and prawns" from six countries, including Brazil, China, Ecuador, India, Thailand, and Vietnam. As a result of the Commission's affirmative determinations, the U.S. Department of Commerce will continue to conduct its antidumping investigations, with a preliminary antidumping determination due on 8 June 2004.

U.S. Department of Commerce Proposes Changes in Antidumping Policy for NMEs

On 3 May 2004, the U.S. Department of Commerce requested comments on proposed changes to the treatment of "non-market economies" (NME) in antidumping cases. The proposed changes can be viewed at: <http://ia.ita.doc.gov/download/nme-sep-rates/04-9999.txt> Written comments should be submitted by 1 June 2004 to: James Jochum, Assistant Secretary for Import Administration, U.S. Department of Commerce, Central Record Unit, Room 1870, Pennsylvania Ave & 14th St, NW, Washington, DC 20230.

TECHNICAL ASSISTANCE UPDATES

USVTC Reference Collection on Intellectual Property Rights at General Sciences Library, Ho Chi Minh City

We are pleased to have received approval from the Department of Culture & Information to maintain a

collection of IPR academic and professional resources at the General Sciences Library in Ho Chi Minh City. The collection consists of legal references, textbooks, and professional journals in the field of intellectual property rights and will be accessible for public use. It is our hope that this public collection could be useful to judges, attorneys, professors, students, and the business community and serve to enhance overall understanding and application of intellectual property rights in Vietnam. We would like to acknowledge the contributions of the following organizations: Atlantic Philanthropies, APL, Asian Patent Attorneys' Association, Baker & McKenzie, Breneman & Georges LLP, International Anti-Counterfeiting Coalition, International Intellectual Property Alliance, International Trademark Association, Kate Spade New York, Vietnam National Office of Industrial Property, NIKE Vietnam, Proctor & Gamble, U.S. Embassy in Hanoi, U.S. Consulate General in Ho Chi Minh City, U.S. Patent & Trademark Office, and the World Intellectual Property Organization.

USVTC Launch of IPR Seminar Series

In conjunction with the opening of the IPR Reference Collection, the U.S.-Vietnam Trade Council and the General Sciences Library are pleased to announce the launch of our 2004-2005 seminar series in Ho Chi Minh City on intellectual property rights. The seminar series will be held regularly at the General Sciences Library, focusing on legal aspects of intellectual property rights protection and enforcement. The first seminar on 12 May 2004 featured two keynote speakers: Mr. Do Khac Chien, Deputy Director of the Copyright Office (MOCI) and WTO negotiator on IPR issues; and Mr. Paul Norris, an international attorney with Baker & McKenzie. We were also pleased to have the participation of Dr. Mai Hong Quy, Vice-Rector of the HCM University of Law. The second of our series of seminars is expected to be held in July.

USVTC International Trade Law Faculty Mission

As part of our efforts to assist with the building of a curriculum on international trade law under a grant from Atlantic Philanthropies, the U.S.-Vietnam Trade Council Education Forum was pleased to have conducted a mission for faculty members of the Hanoi Law University, the Ho Chi Minh City University of Law, and the Ministry of Justice. This mission included visits and consultations with academics and professionals at various institutions in the U.S. including the Kansas University School of Law, Georgetown University Law Center, George Washington University Law School, and Sidley

Austin Brown & Wood LLP. The mission also included consultations with the National University of Singapore Law Faculty. Delegates are expected to submit reports to the Government of Vietnam on new proposals for the national legal curriculum, including the incorporation of an international trade law component. Special thanks to our university counterparts for their assistance on this successful mission.

USVTC On-Line Training on International Trade Law

In March, USVTC staff conducted training programs for Hanoi Law University and HCMC University of Law on key online resources relevant to international trade law and policy.

USVTC/NCIEC Program on WTO

With support from a Ford Foundation grant, the Trade Council's Education Forum was pleased to work the National Committee for International Economic Cooperation (NCIEC) to organize a two week program on WTO in Washington, DC and New York, NY 7 – 20 March 2004. The delegation attended a one week intensive training course on WTO related disciplines and issues specially designed and taught by the Georgetown Law Center. Delegate members also held consultations with U.S. Government officials, and Sidley Austin Brown & Wood LLP.

USVTC Workshop with HCMC Bar Association on WTO Accession

As part of the U.S.-Vietnam Trade Council Education Forum's workshop series at the Ho Chi Minh City Bar Association, USVTC Chief Legal Advisor Demetrios Marantis conducted a workshop on 6 February on WTO accession. The workshop reviewed the main requirements for accession as well as Vietnam's efforts to join the WTO by 2005.

USVTC/WTO Seminars on WTO Dispute Settlement

The U.S.-Vietnam Trade Council Education Forum was pleased to host seminars on the WTO's dispute settlement procedures for Hanoi Law University on 8 March and Ho Chi Minh City University of Law/Ho Chi Minh City Bar Association on 17 March. The seminars featured presentations from Victoria Donaldson and Jan Bohanes (in Hanoi only) from the WTO Appellate Body Secretariat.

USVTC/USAID Study Mission on Financial Services to Singapore

To assist with BTA implementation on issues relating to financial services liberalization,

budgetary restructuring, and fiscal policy implications, the Trade Council's Education Forum was pleased to have conducted a study mission to Singapore for Vietnam's Ministry of Finance. This mission is a follow-up to a previous USAID funded mission to New Zealand on similar issues. While in Singapore, delegate members held consultations with the Monetary Authority of Singapore, Singapore Ministry of Finance, Singapore Ministry of Trade & Industry, and the Singapore Ministry of Foreign Affairs. The Trade Council would like to thank the Government of Singapore for their time and effort in making this trip successful.

USVTC/USAID Study Mission on IPR Enforcement

To assist with BTA implementation pursuant to a program funded by USAID, USVTC Education Forum conducted a study mission to Washington, DC and New York, NY on intellectual property rights enforcement. Led by Mr. Pham Xuan Sinh – Director, International Cooperation Department of the Ministry of Culture and Information (MOCI), the delegation included representatives from the National Assembly, Inspection Department of MOCI, Market Management Office of the Ministry of Trade, the National Office of Intellectual Property, Vietnam Customs, Settlement of Civil Cases Department of the Supreme People's Procuracy, Legal Department of the Ministry of Public Security, the Hanoi People's Committee, the Hanoi People's Court, Ho Chi Minh People's Committee, the Hanoi Department of Trade, the Ministry of Justice, and the Ministry of Foreign Affairs. This study mission was made possible through the U.S. Agency for International Development (USAID) in cooperation with Vietnam's Office of the Government under a program for implementation of the BTA.

USVTC Memo on Trading & Distribution Rights

As part of efforts to assist with implementation of trading and distribution rights under the BTA, the USVTC Education Forum has compiled a memo outlining developments and obligations. View link: <http://www.usvtc.org/TD%20memo%207may04.pdf>. We look forward to working this year with the Ministry of Trade on a study mission to China this year to study similar trade and distribution regimes undergoing similar liberalization.

USVTC/HCMC Economics University "Business Hotline" TV and Radio Shows

As part of the USVTC supported "Business Hotline" TV and Radio series, a program on the "Studying International Trade Law" was recently recorded.

The program aired on 8 April on Vietnam Television and Ho Chi Minh City Television, and featured a lively discussion of the definition of “International Trade Law” and how it is different from “International Commercial Law.” The program also discussed what Vietnam is doing to develop a legal curriculum in international trade law. Vice Rector of the Ho Chi Minh City University of Law, Madam Mai Hong Quy participated in the broadcast and stressed the importance of international trade law in global economic integration. Other speakers included the President of Agifish, and key Ho Chi Minh City-based lawyers. The “*Business Hotline*” program is a joint USVTC project with the Ho Chi Minh City University of Economics. Filmed monthly and broadcast weekly on radio and television, the programs provide analysis and discussions of key international issues facing Vietnam today.

UPCOMING

U.S.-Vietnam BTA Joint Committee Meeting

The next Joint Committee meeting of the U.S.-Vietnam Bilateral Trade Agreement will be held in Washington, DC the week of May 17th. Deputy USTR Josette Shiner will chair for the US side and Vice Minister of Trade Luong Van Tu will chair for the Vietnamese. Vietnam's Minister of Trade Truong Dinh Tuyen is expected to visit Washington as well.

USVTC Meeting for U.S. Companies with Deputy USTR Josette Shiner, 20 May 2004

In preparation for the above joint committee meeting, members of the U.S.-Vietnam Trade Council and other interested companies will meet with Deputy USTR Josette Shiner to discuss issues of interest to U.S. companies. The U.S.-Vietnam Trade Council has also submitted to USTR an “issues paper” and our updated BTA report “*The U.S.-Vietnam Bilateral Trade Agreement: A Survey of U.S. Companies on Implementation Issues.*”

Reception in honor of Vice Minister of Trade Luong Van Tu and Delegation, 20 May 2004

On the occasion of the upcoming bilateral joint committee meeting, the U.S.-Vietnam Trade Council and the Embassy of Vietnam look forward to hosting a reception in honor of Vice Minister of Trade Luong Van Tu.

USVTC Program on WTO Accession in Cooperation with Singapore Ministry of Foreign Affairs, 28 June – 2 July

As part of the U.S.-Vietnam Trade Council's Singapore Cooperation Program, we look forward to

working with the Singapore Ministry of Foreign Affairs, and Vietnamese counterpart NCIEC on the organization of an intensive one week training session on WTO issues. For more information, please contact the USVTC offices in Hanoi and our website.

USVTC “Catalog of Legal Updates: Vietnam Trade Policy Regime” - Monthly

The USVTC Education Forum has since July 2000 compiled a *Catalog of Legal Updates* identifying laws and regulations promulgated by Vietnam as they relate to obligations under the BTA, and in preparation for WTO Accession. Beginning in March 2004, this document, now the “*Catalog of Legal Updates: Vietnam Trade Policy Regime*”, will focus on legal developments with a view towards what Vietnam has undertaken or will undertake for its WTO accession. The Catalog is issued monthly by USVTC in cooperation with Phillips Fox, and is available on our website. It comes as a follow on to the Education Forum's March 2001 [Road Map of BTA Commitments](#) funded by USAID, see website.

Next Vietnam WTO Accession Meeting in Geneva

In late April 2004 Vietnam submitted to the WTO Secretariat and its Working Party a new round of paperwork, including new offers on goods and services. These submissions included revised action plans on the implementation of key WTO agreements. Vietnam's next Working Party meeting is scheduled for mid June. USVTC looks forward to assisting in this important effort and hosting events around this meeting.

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

The USVTC website promotes public awareness and outreach on issues relating to the BTA, the WTO, the overall bi-lateral relationship, and the economic development of Vietnam. It provides information on U.S. regulations, U.S. and Vietnamese business practices, a BTA summary, reports, PowerPoint presentations, memos and reference materials developed under our technical assistance programs, news clippings, relevant links and research materials.