

UPDATE
OCTOBER 2004



Professor David A. Gantz of George Washington University Law School during a USVTC Training Course on "International Trade Law" at the Hanoi Law University

Trade Council Welcome Meeting with the New U.S. Ambassador to Vietnam Michael Marine

On August 4, 2004, the U.S.-Vietnam Trade Council organized a briefing for member companies with incoming U.S. Ambassador to Vietnam Michael Marine. Mr. Marine was most recently deputy chief of mission in Beijing and is the third post-war U.S. Ambassador in Hanoi. Ambassador Marine began his term after arriving in Hanoi September 10. *Special thanks to GE for hosting the meeting.*

Trade Council Meeting with Assistant Secretary of State James A. Kelly, Washington, DC

On August 3, 2004, the U.S.-Vietnam Trade Council organized a briefing for member companies with Assistant Secretary of State James A. Kelly to discuss the possibility and impact of the designation of Vietnam as a Country of Particular Concern (CPC) under the International Religious Freedom Act. (Refer to CPC update on page 2.)

VTC Hosts Luncheon with Minister of Justice

On September 22, USVTC hosted a Washington luncheon for Minister of Justice Uong Chu Luu to discuss issues relating to BTA implementation and WTO Accession with his delegation visiting Washington, DC and New York September 20 – 24 under a UNDP program. During the course of the week, Minister Luu's agenda included meetings with

UPCOMING HIGHLIGHTS

(See Page 3-4 for further details)

- ★ USVTC 3rd IPR Seminar on "Trademark Enforcement in the Courts" with the Honorable Michael Moore, Judge of the Federal Court of Australia, HCMC, October 9
- ★ Vietnam General Confederation of Labor visit to the U.S., October 9 – 16, USVTC events October 14-15
- ★ Meeting for USVTC Members with U.S. Trade Representative (USTR) to discuss Vietnam's WTO Accession, Washington, October 25
- ★ U.S.-Vietnam bi-lateral meetings on Vietnam's WTO Accession, Washington, October 26 - 28
- ★ USVTC Settlement of Investment Disputes (ICSID) Seminar in Hanoi, October 26 - 27
- ★ USVTC Steering Committee Study Mission to the U.S., November 14 – 20
- ★ USVTC Trading and Distribution Rights Study Mission to China and Hong Kong, November 2004
- ★ USVTC Customs Study Mission to the United States and Singapore, December 04
- ★ 9th Working Party on Vietnam's WTO accession, Geneva, December 04 (tentative)

Judges of the U.S. Court of Appeals for the Armed Forces, Chief Judge Douglas H. Ginsburg – U.S. Court of Appeals for the D.C. Circuit, House Judiciary

Committee and US Bar Associations. *Special thanks to our luncheon event sponsors: APL, New York Life International and Oracle.*

Trade Council Luncheon in Honor of Vietnam Vice Minister of Finance Le Thi Bang Tam, October 5

The Trade Council was pleased to organize a Washington luncheon in honor of Vice Minister of Finance Madam Le Thi Bang Tam and her delegation for member companies to discuss issues relating to BTA Implementation and Vietnam's WTO Accession. *Special thanks to the event sponsors: ACE, AIG, Liberty Mutual, and New York Life International.*

U.S. Department of Commerce Assesses Antidumping Duties on Shrimp Imports from Vietnam

The U.S. Department of Commerce announced on Tuesday, 6 July 2004 its preliminary determination on antidumping duties for shrimp imports from Vietnam and China in the dumping investigation filed against imports from Vietnam, China, Brazil, Ecuador, India and Thailand. Preliminary tariffs ranged from 12.11% to 93.13% for Vietnam, and 7.67% to 112.81% for China. If the ruling holds, approximately 78 percent of Vietnamese shrimp imports will face duties ranging between 12.11% and 19.60%. The remaining 22% of Vietnamese imports will face the higher 93.13% duties. As next steps, the Department of Commerce is expected to make its final determination on dumping margins on November 24, 2004. In early January 2005, the U.S. International Trade Commission will then make its final determination on whether dumped imports have caused injury to the U.S. shrimp industry.

Vietnam Human Rights Act Passes U.S. House of Representatives

On July 19, 2004, H.R. 1587 - Vietnam Human Rights Act of 2003 - passed the U.S. House of Representatives by a vote of 323-45. H.R. 1587 would cap U.S. non-humanitarian aid to Vietnam at levels of the current fiscal year unless the President certifies substantial progress by Vietnam in releasing political and religious prisoners and respecting religious freedom. The U.S.-Vietnam Congressional Caucus and the USVTC have both submitted letters to Members of Congress opposing this bill.

U.S. State Department Designates Vietnam as a Country of Particular Concern (CPC) under the Religious Freedom Act

On September 15, 2004, Secretary of State Colin Powell announced the designation of Vietnam as a Country of Particular Concern (CPC) under the Religious Freedom Act. The designation also carries the potential for economic sanctions, which will be considered within the next 90 to 180 days. For more information, please refer to our memo on the International Religious Freedom Act (IRFA) available on our website.

Two U.S. Congressional Delegations to Vietnam

Two U.S. Congressional delegations visited Vietnam in August and September. The first delegation, led by Congressman Tom Davis (R-VA), Chairman of the House Government Reform Committee was in Vietnam on August 10-11 to discuss cooperation on counter narcotics efforts and other issues affecting the bilateral relationship, including human rights. Frank Jannuzi, staffer for Senator Joe Biden on the Senate Foreign Relations Committee traveled in early September to discuss BTA implementation, WTO accession, and other issues concerning the bilateral relationship such as CPC designation. USVTC was pleased to assist these trips.

Release of Public Comments on 23 WTO Accessions

This summer, the U.S. Federal Register released public comments on 23 countries working toward WTO Accession, which were submitted to the USTR in May 2001. USVTC sent copies of these public comments to the WTO negotiating team and other relevant ministries and offices in Vietnam.

TECHNICAL ASSISTANCE UPDATES

USVTC International Trade Law Seminar with Hanoi Law University and Ho Chi Minh University of Law

As part of our efforts to assist with the building of a curriculum on international trade law under a grant from the Atlantic Philanthropies, the Council was pleased to bring Professor David Gantz, Professor of Law and Director of the International Trade Program at the University of Arizona College of Law, to Vietnam August 2-8. The program works with the Ministry of Justice to develop a curriculum on international trade and investment law for Vietnam's law schools as well as providing training for law faculty and experts on this subject. Professor Gantz conducted an intensive workshop on international trade law at the Hanoi Law University, held a seminar at the Ministry of Justice, and led a workshop on antidumping and other trade remedies at the HCMC Bar Association. See website.

International Trade Law English Training Program in Hanoi and Ho Chi Minh City

Through a grant from the Atlantic Philanthropies, the U.S.-Vietnam Trade Council is pleased to be partnering with Cleverlearn® to provide 50 hours of intermediate level legal English training for thirty international trade law lecturers and experts in Hanoi and Ho Chi Minh City from August through November.

Trademark Protection Seminar and Copyright Workshop for Librarians at the IPR Reference Collection

On August 12, 2004, the U.S.-Vietnam Trade Council & Education Forum and the General Sciences Library of HCMC organized two seminars on intellectual property rights issues. More than 150 people attended our half-day seminar on "Trademark Protection in Vietnam", featuring experts including Kevin Brown, assistant general counsel in the brand enforcement division of Nike. Also on August 12, the Trade Council organized a seminar on "Copyright Protection Issues for Librarians". In attendance were more than 130 librarians from public institutions throughout Ho Chi Minh City. The USVTC seminar series, held bi-monthly at the General Sciences Library, focuses on legal aspects of intellectual property rights protection and enforcement. The program was made possible through the generous support from the Atlantic Philanthropies. The information is also available on our website.

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

As part of the USVTC jointly supported "Business Hotline" TV and Radio series, a program on "Stock Valuations, Auctions and Listings" was recently recorded. The program aired countrywide on Vietnam Television August 18 & 20 and Vietnam Radio throughout the week. The program featured a discussion by economic and stock exchange experts, lecturers and business representatives on the current status of the Vietnamese securities market, equitization, stock valuation and auction for financial liberalization and global economic integration. The "Business Hotline" program is a joint USVTC project with the HCMC University of Economics. Filmed monthly and broadcast countrywide weekly on radio and television, the programs provide discussions of key international economic issues facing Vietnam. The program is made possible by the support of Atlantic Philanthropies.

"Vietnam Trade Policy Regime: Catalog of Legal Updates" – Monthly

Since 2000 and on a cumulative monthly basis, USVTC has compiled the *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. This document, the "Vietnam Trade Policy Regime: Catalog of Legal Updates", focuses on legal developments with a view towards what Vietnam has undertaken or will undertake for its WTO accession. The Catalog includes a new section on WTO accession and ratification. The Catalog is prepared with the assistance of Phillips Fox and is available on our website.

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

The USVTC website promotes public awareness and outreach on the Trade Council and on issues relating to U.S.- Vietnam relations, the BTA, Vietnam's WTO accession and other bilateral and business issues. It provides materials developed under technical assistance programs, news clippings, relevant links, and research materials.

UPCOMING HIGHLIGHTS

USVTC Seminar on "Trademark Enforcement in the Courts" at the HCMC Bar Association, October 9

The U.S.-Vietnam Trade Council is pleased to be organizing the third seminar in our 2004 seminar series on intellectual property rights issues in Ho Chi Minh City. We are privileged to have The Honorable Michael F. Moore, Judge of the Federal Court of Australia, speak on "Trademark Enforcement in the Courts". This special seminar will be held at the HCMC Bar Association and participants will include lawyers, judges, law faculty members and government officials interested in IPR protection and enforcement.

Vietnam General Confederation of Labor (VGCL) Visit to the United States, October 9 - 16

The Trade Council is pleased to be working with Nike to organize a visit to the U.S. by a delegation from the Vietnam General Confederation of Labor, led by Dr. Dang Ngoc Tung, Senior Vice President of the Vietnam General Confederation of Labor and Member of the National Assembly. During the course of the week, the delegation's agenda includes meetings with Secretary of Labor Elaine Chao, the Bureau of Democracy, Human Rights and Labor of the U.S. State Department, Congressional aides, and labor organizations. The delegation will also visit Nike headquarters in Oregon.

Trade Council Meeting with USTR on Vietnam's WTO Accession, October 25

In preparation for bilateral meetings with the Vietnamese delegation scheduled in late October, the Trade Council is pleased to be organizing a meeting for member companies with Dorothy Dwoskin – Assistant USTR & Chief WTO Negotiator, WTO & Multilateral Affairs, and Elena Bryan – Director, Southeast Asia and Pacific Affairs, to discuss issues relating to Vietnam's WTO Accession.

USVTC Settlement of Investment Disputes Seminar in Hanoi, October 26 & 27

Through a grant from the U.S. Agency for International Development (USAID), the U.S.- Vietnam Trade Council Education Forum is pleased to bring Gonzalo Flores, Senior Counsel of the International Center for Settlement of Investment Disputes (ICSID), World

Bank, to Hanoi on October 27 - 29. The two-day visit is designed to support Vietnam's efforts to join ICSID and to build a greater understanding about ICSID, the accession process, procedures for the settlement of investment disputes, and enforcement of ICSID awards. Mr. Flores will meet with Vietnamese officials and Council Members in Hanoi.

U.S.- Vietnam Bilateral Meetings on Vietnam's WTO Accession in Washington, DC, October 26 - 28

Bilateral discussions between the U.S. and Vietnam on Vietnam's accession to the WTO are scheduled to take place in Washington, DC October 26 to 28. Members of Vietnam's WTO negotiating team expect to meet in Geneva for the 9th Working Party round of multilateral and bilateral negotiations this December.

USVTC Steering Committee Study Mission in Washington, DC, November 14 - 20

To assist with BTA implementation pursuant to a program funded by USAID, USVTC is organizing a Steering Committee Study Mission for Vietnamese officials to bring together the inter-ministerial U.S.-Vietnam BTA implementation team to further develop common understanding and increase transparency in the implementation and coordination process in the ongoing technical assistance program. The primary purpose of the trip is to work with U.S. government and private sector counterparts to assess BTA implementation efforts, to study policy, regulatory and practical issues relating to on-going implementation of the BTA and Vietnam's pending accession to the WTO, and to identify areas for further focus.

USVTC Trading and Distribution Rights Study Mission to China and Hong Kong, Mid-November 2004

Through a grant from USAID, the U.S.-Vietnam Trade Council Education Forum is organizing a study mission for Vietnamese officials on implementation of BTA commitments in the areas of trading and distribution rights. The focus of the trip is to study technical, legal and practical aspects of administering import and export regimes relating to distribution and trading rights. We look forward to working with Member companies on this trip.

USVTC Customs Study Mission to Washington, DC, New York, Seattle and Singapore, December 2004

Through a grant from the Bureau of Educational and Cultural Affairs (BECA), U.S. Department of State, the Council Education Forum is pleased to be organizing a public/private partnership Customs study mission for customs officers and other government officials who are involved in the Customs Valuation Agreement (CVA), which entered into force on December 10, 2003 for all U.S. imports under the BTA. The focus of the trip is to study the effective implementation of the GATT/WTO Customs Valuation Agreement, management of customs valuation, post-entry audit,

pre-shipment inspection, and risk management strategies for trade facilitation. CVA compliance will also be required for all imports once Vietnam accedes to the WTO. We look forward to working with Member companies on this trip.