

AGREEMENT
BETWEEN THE GOVERNMENT OF JAPAN
AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
CONCERNING THE TRANSFER OF DEFENSE EQUIPMENT
AND TECHNOLOGY

The Government of Japan and the Government of the Socialist Republic of Vietnam (hereinafter referred to as "the Parties"),

Desiring to further strengthen "the Extensive Strategic Partnership for Peace and Prosperity in Asia" that exists between the two countries;

Mindful of the existing cooperative relationship between the Parties in the security and defense area;

Desiring that cooperation in the area of defense equipment and technology in which the Parties participate should contribute to national, regional and international peace and security as well as encourage a closer relationship between Japanese and Vietnamese defense industries; and

Recognizing the need to set forth the terms and conditions which should govern the transfer of defense equipment and technology;

Have agreed as follows:

ARTICLE I

1. Each Party shall, subject to the relevant laws and regulations of its country, international treaties to which Japan and the Socialist Republic of Vietnam are parties and in accordance with the provisions of this Agreement, make available to the other Party defense equipment and technology necessary to implement projects to be determined in accordance with the provisions of paragraph 2 below. Such projects shall be those for contributing to national, regional and international peace and security; joint research, development and production projects; or for enhancing security and defense cooperation.

2. Specific projects shall be mutually determined by the Parties, taking into account various factors including the demand, the manufacturing capability and the security of the respective countries, and confirmed by the Parties through the diplomatic channel.

ARTICLE II

1. A Joint Committee for the transfer of defense equipment and technology (hereinafter referred to as "the Joint Committee") shall be established as the organ for determining the defense equipment and technology to be transferred for the projects determined in accordance with the provisions of paragraph 2 of Article I.

2. The Joint Committee shall be composed of two national sections.

The Japanese Section shall be composed of:

a representative of the Ministry of Defense;

a representative of the Ministry of Foreign Affairs; and

a representative of the Ministry of Economy, Trade and Industry.

The Vietnamese Section shall be composed of:

a representative of the Ministry of National Defense;

a representative of the Ministry of Foreign Affairs;

a representative of the Ministry of Industry and Trade; and

a representative of the Ministry of Science and Technology.

3. The relevant information necessary for determining the defense equipment and technology to be transferred shall be communicated to the national sections through the diplomatic channel.

4. Based on the relevant information communicated in accordance with the provisions of paragraph 3 above, the defense equipment and technology to be transferred shall be determined by the Joint Committee.

5. Detailed arrangements providing for, *inter alia*, the defense equipment and technology to be transferred, persons who shall be party to the transfer, and the detailed terms and conditions of the transfer, shall be made between the competent authorities of the Parties in order to implement this Agreement. The competent authorities of the Government of Japan shall be the Ministry of Defense and the Ministry of Economy, Trade and Industry; the competent authority of the Government of the Socialist Republic of Vietnam shall be the Ministry of National Defense.

ARTICLE III

1. Each Party shall make effective use of defense equipment and technology transferred from the other Party in a manner consistent with the purposes and principles of the Charter of the United Nations, and such other purposes as may be determined in the detailed arrangements, and neither Party shall devote such defense equipment and technology to any other purpose.

2. Each Party shall not transfer to any person not an officer or agent including contractor and subcontractor of such Party, or to any other Government, title to or possession of any defense equipment and technology transferred pursuant to this Agreement, without the prior written consent of the Party which transferred such defense equipment and technology.

ARTICLE IV

Each Party shall, subject to the relevant laws and regulations of its country and in accordance with other applicable international agreements between the Parties, take necessary measures to protect classified information transferred from the other Party pursuant to this Agreement. Each Party shall not disclose or transfer all or a part of such classified information to a third party without the prior written consent of the other Party, unless otherwise provided for in this Agreement.

ARTICLE V

Each Party shall ensure that intellectual property rights relevant to the projects under this Agreement will be adequately and effectively protected, subject to the relevant laws and regulations of its country and in accordance with other applicable international agreements between the Parties.

ARTICLE VI

This Agreement and all arrangements to be made hereunder shall be implemented subject to the relevant laws and regulations and budgetary appropriations of the respective countries.

ARTICLE VII

Any matter relating to the interpretation or application of this Agreement and all arrangements to be made hereunder shall be resolved amicably through consultation between the Parties.

ARTICLE VIII

1. This Agreement shall enter into force on the date of signature.
2. This Agreement may be amended by written agreement between the Parties. Any amendment of this Agreement shall enter into force on the date of signature thereof.
3. This Agreement shall remain in force for a period of five years and shall be automatically extended annually thereafter unless either Party notifies the other Party in writing through the diplomatic channel ninety (90) days in advance of its intention to terminate this Agreement.
4. Notwithstanding the termination of this Agreement, the provisions of Articles III, IV, V, VI and VII shall remain in force in respect of the defense equipment and technology transferred under this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Hanoi, on this eleventh day of September, 2021, in the English language.

For the Government
of Japan:

For the Government
of the Socialist Republic
of Vietnam:

(Signed) YAMADA Takio

(Signed) Hoang Xuan Chien