

◎北部山岳地域初等教育施設整備計画のための贈与に関する日本国政府と  
ヴェトナム社会主義共和国政府との間の交換公文

(略称) ヴェトナムとの北部山岳地域初等教育施設整備計画のための  
贈与取極

平成 十二年 五月二十九日 ハノイで  
平成 十二年 五月二十九日 効力発生  
平成 十三年 三月 十九日 告示

(外務省告示第九二号)

## 概 要

- 1 援助の目的及び内容 北部山岳地域初等教育施設整備計画を実施するために必要な  
(a) 小学校施設の建設に必要な生産物及び役務の供与  
(b) 機材及びその調達に必要な役務の供与  
(c) 前記(a)及び(b)の生産物の輸送に必要な役務の供与
- 2 贈与の限度額 十五億二千七百万円  
(平成十二年度 四億九千九百万円)  
(平成十三年度 十億二千八百万円)
- 3 贈与の使用期限  
平成十三年三月三十一日まで (平成十一年度分)  
平成十四年三月三十一日まで (平成十三年度分)
- 4 署名者  
日 本 側 高橋邦夫在ヴェトナム臨時代理大使

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ヴェトナム側 レイ・ブウ・ホン教育・訓練省次官

(Japanese Note)

Hanoi, May 29, 2000

Sir,

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 Japanese economic cooperation to be extended with a view to strengthening friendly and cooperative relations between the two countries, and to propose on behalf of the Government of Japan the following arrangements:

1. For the purpose of contributing to the execution of the project for the improvement of facilities of Primary Schools in the Northern Mountain Region (hereinafter referred to as "the Project") by the Government of the Socialist Republic of Viet Nam, the Government of Japan will extend to the Government of the Socialist Republic of Viet Nam, in accordance with the relevant laws and regulations of Japan, a grant up to one billion five hundred and twenty-seven million yen (¥1,527,000,000) (hereinafter referred to as "the Grant").

2. The Grant will, in accordance with the relevant laws and regulations of Japan, be made available during each of the following periods within the limit of the corresponding amount for each term, unless such period is extended by mutual agreement between the authorities concerned of the two Governments:

- (1) term I  
period between the date of coming into force of the present arrangements and March 31, 2001;  
four hundred and ninety-nine million yen (¥499,000,000).
- (2) term II  
period between April 1, 2001 and March 31, 2002;  
one billion and twenty-eight million yen (¥1,028,000,000).

3. (1) The Grant will be used by the Government of the Socialist Republic of Viet Nam properly and exclusively for

the purchase of the products of Japan or the Socialist Republic of Viet Nam and the services of Japanese or Vietnamese nationals listed below: (The term "nationals" whenever used in the present arrangements means Japanese physical persons or Japanese juridical persons controlled by Japanese physical persons in the case of Japanese nationals, and Vietnamese physical or juridical persons in the case of Vietnamese nationals.)

- (a) products and services necessary for the construction of the facilities of primary school (hereinafter referred to as "the facilities");
- (b) equipment necessary for the execution of the Project and services necessary for the procurement thereof; and
- (c) services necessary for the transportation of the products referred to in (a) and (b) above to ports in the Socialist Republic of Viet Nam, and those for internal transportation therein.

(2) Notwithstanding the provisions of sub-paragraph (1) above, when the two Governments deem it necessary, the Grant may be used for the purchase of the products of the kind mentioned in (a) and (b) of sub-paragraph (1) above, which are products of countries other than Japan or the Socialist Republic of Viet Nam and the services of the kind mentioned in (a), (b) and (c) of sub-paragraph (1) above, which are services of nationals of countries other than Japan or the Socialist Republic of Viet Nam.

4. The Government of the Socialist Republic of Viet Nam or its designated authority will enter into contracts in Japanese yen with Japanese nationals for the purchase of the products and services referred to in paragraph 3. Such contracts shall be verified by the Government of Japan to be eligible for the Grant.

5. (1) The Government of Japan will execute the Grant by making payments in Japanese yen to cover the obligations incurred by the Government of the Socialist Republic of Viet Nam or its designated authority under the contracts verified in accordance with the provisions of paragraph 4 (hereinafter referred to as "the Verified Contracts") to an account to be opened in the name of the Government of the Socialist Republic of Viet Nam in a bank of Japan designated by the Government of the Socialist Republic of Viet Nam or its designated authority (hereinafter referred to as "the Bank").

(2) The payments referred to in sub-paragraph (1) above will be made when payment requests are presented by the Bank to the Government of Japan under an authorization to pay issued by the Government of the Socialist Republic of Viet Nam or its designated authority.

(3) The sole purpose of the account referred to in sub-paragraph (1) above is to receive the payments in the Japanese yen by the Government of Japan and to pay to the Japanese nationals who are parties to the Verified Contracts. The procedural details concerning the credit to and debit from the account will be agreed upon through consultation between the Bank and the Government of the Socialist Republic of Viet Nam or its designated authority.

6. (1) The Government of the Socialist Republic of Viet Nam will take necessary measures:

(a) to secure lots of land necessary for the construction of the Socialist Republic of Viet Nam and to clear the sites;

(b) to provide facilities for distribution of electricity, water supply and drainage and other incidental facilities outside the sites;

(c) to ensure prompt unloading and customs clearance at ports of disembarkation in the Socialist Republic of Viet Nam and internal transportation therein of the products purchased under the Grant;

(d) to exempt Japanese nationals from customs duties, internal taxes and other fiscal levies which may be imposed in the Socialist Republic of Viet Nam with respect to the supply of the products and services under the Verified Contracts;

(e) to accord Japanese nationals whose services may be required in connection with the supply of the products and services under the Verified Contracts such facilities as may be necessary for their entry into the Socialist Republic of Viet Nam and stay therein for the performance of their work;

(f) to ensure that the Facilities constructed and the products purchased under the Grant be maintained and used properly and effectively for the execution of the Project; and

(g) to bear all the expenses, other than those covered by the Grant, necessary for the execution of the Project.

(2) With regard to the shipping and marine insurance of the products purchased under the Grant, the Government of the Socialist Republic of Viet Nam will refrain from imposing any restrictions that may hinder fair and free competition among the shipping and marine insurance companies.

(3) The products purchased under the Grant shall not be re-exported from the Socialist Republic of Viet Nam.

7. The two Governments will consult with each other in respect of any matter that may arise from or in connection with the present arrangements.

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

I avail myself of this opportunity to extend to you the assurance of my high consideration.

(Signed) Kunio Takahashi  
Chargé d'Affaires ad Interim  
of Japan  
to the Socialist Republic  
of Viet Nam

Mr. Le Vu Hung  
Vice Minister  
of Education and Training  
of the Socialist Republic  
of Viet Nam

(Vietnamese Note)

Hanoi, May 29, 2000

Sir,

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

"(Japanese Note)"

I have further the honour to confirm on behalf of the Government of the Socialist Republic of Viet Nam the foregoing arrangements and to agree that your 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 extend to you the assurance of my high consideration.

(Signed) Le Vu Hung  
Vice Minister  
of Education and Training  
of the Socialist Republic  
of Viet Nam

Mr. Kunio Takahashi  
Chargé d'Affaires ad interim  
of Japan  
to the Socialist Republic  
of Viet Nam