

No. 10086

**UNITED STATES OF AMERICA
and
REPUBLIC OF VIET-NAM**

Exchange of notes constituting an agreement for disposal in Viet-Nam by the United States of excess personal property in the possession of military authorities of the Government of the United States. Saigon, 9 November 1968

Authentic text: English.

Registered by the United States of America on 1 December 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DU VIET-NAM**

Échange de notes constituant un accord relatif à la disposition par les États-Unis, au Viet-Nam, de biens en excédent se trouvant en la possession des autorités militaires du Gouvernement des États-Unis. Saigon, 9 novembre 1968

Texte authentique: anglais.

Enregistré par les États-Unis d'Amérique le 1^{er} décembre 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
THE REPUBLIC OF VIET-NAM FOR DISPOSAL IN
VIET-NAM BY THE UNITED STATES OF EXCESS PER-
SONAL PROPERTY IN THE POSSESSION OF MILITARY
AUTHORITIES OF THE GOVERNMENT OF THE UNITED
STATES

I

*The American Ambassador to the Minister of Foreign Affairs
of Viet-Nam*

No. 621

Excellency,

I have the honor to refer to recent discussions relative to personal property located in the Republic of Viet Nam in the possession of military authorities of the Government of the United States which is or will become excess to its needs; and to propose the following understanding designed to provide orderly means for disposal in Viet Nam by the United States of such excess personal property:

1. The Government of the Republic of Viet Nam consents to the disposal by sale, donation or abandonment of such United States property located in Viet Nam in the possession of units of the United States Armed Forces as may be declared excess to their needs.

2. Units of the United States Armed Forces, when planning to dispose of excess materials and equipment located in Viet Nam, shall submit thirty (30) copies of a list of such property to a designated agency of the Government of the Republic of Viet Nam not less than thirty (30) days in advance of the proposed disposal. The Government of Viet Nam shall have the right of priority of purchase of all or any part of such property listed for sale at prices and terms to be mutually agreed upon.

¹ Came into force on 9 November 1968, the date of the note in reply, in accordance with the provisions of the said notes.

3. In the absence of such mutual agreement having been reached within thirty (30) days after the submission of such a list, the United States Military units may sell excess property in conformance with the following provisions.

4. *a)* Officers conducting United States disposal activities shall notify prospective bidders and purchasers for import into the economy of Viet Nam that purchasers shall be required to pay taxes, such as registration taxes, customs duties and other taxes, in accordance with Vietnamese law. Such officers shall also furnish the designated agency of the Vietnamese Government with ten (10) copies of contracts concerned or, when sale is not made through contracts, ten (10) copies of a properly certified consolidated list of successful bidders or direct purchasers which would include information on the name and address of the purchaser, individual or firm, the items of purchase, the purchase price of each item and the signature of purchaser, to facilitate the collection of customs duties and other taxes; but the United States or its agencies shall not be responsible for the payment or collection of such duties or taxes.

The Government of Viet Nam shall have the right to be represented by its duly authorized officials at all sales of excess property. Delivery of excess property shall not be made to purchasers for import into the economy of Viet Nam until the respective purchasers present evidence of the payment of applicable duties and taxes.

b) Excess property which is sold for export shall not be subject to customs duties, taxes or other restrictions by the Vietnamese Government. Excess property sold for export which is exported under a name other than United States Armed Forces shall be accompanied by a certificate of sale issued by the United States military unit concerned.

5. If the Vietnamese Government provides notification that, in accordance with Vietnamese law, the purchase or possession by the civilian population of certain excess property listed for sale is for security or other reasons subject to authorization by the Vietnamese Government, no sales shall be made thereof for import into the economy of Viet Nam except in conformity with the provisions of the notification. Such notification shall be furnished to the United States military units concerned within the thirty (30) days after submission of the list of property as provided in paragraph 2 hereof, and notations to such effect shall be included, when applicable in the offerings for sale.

6. *a)* Sales of excess property located in Viet Nam shall be made for Vietnamese currency if payment is made in Viet Nam by citizens or residents of Viet Nam. However, in the case of sales to non-resident purchasers, payment

must be made in foreign currencies subject to the foreign exchange regulations of the Republic of Viet Nam.

b) Vietnamese currency derived from such sales shall be freely usable for any and all United States Government expenditures in Viet Nam.

Other currencies derived from such sales may be freely exported from Viet Nam at the discretion of the United States.

7. It is understood that waste materials, such as garbage, kitchen refuse, empty containers and used packaging materials, not in commercial quantities may be exempt from customs duties and other taxes. Officials designated by the Government of Viet Nam and officers in charge of United States excess property disposal will concur whether or not the surplus materials have commercial value prior to conducting the respective sale.

8. The United States may dispose of such excess property by donation or abandonment to an agency designated by the Government of Viet Nam or to an officially recognized social organization. A list of these materials shall be furnished to the Vietnamese Government for reference and control.

Nevertheless, all items, consumable and non-consumable, the use of which is deemed to be harmful to the user for any reason cannot be subject to donation or abandonment and must be destroyed.

This agreement shall enter into force immediately and shall continue in force until 60 days after either Government shall have given notice to the other of its desire to terminate the agreement. It may be amended at any time by mutual agreement.

I have the honor to propose that this note, together with Your Excellency's affirmative reply, shall constitute an agreement between our two Governments to enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Embassy of the United States of America
Saigon, November 9, 1968

Ellsworth BUNKER

H.E. Trần Chánh Thành
Minister of Foreign Affairs
Saigon

II

REPUBLIC OF VIET NAM
MINISTRY OF FOREIGN AFFAIRS

Saigon, November 9, 1968

No. J 616/EF/KHT

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's note No. 621 of today's date, which reads as follows:

[See note I]

In reply, I have the honour to accept on behalf of the Government of the Republic of Viet Nam the foregoing understandings and to confirm that Your note together with this reply shall constitute an agreement between our two Governments, effective from today's date.

Accept, Excellency, the renewed assurances of my highest consideration.
[SEAL]

TRẦN CHÍNH THÀNH
Minister of Foreign Affairs

His Excellency Ellsworth Bunker
Ambassador of the United States of America
Saigon
