

CONSULAR RELATIONS

**Agreement Between the
UNITED STATES OF AMERICA
and VIETNAM**

Effected by Exchange of Notes at
Hanoi July 29 and 31, 2009



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

VIETNAM

Consular Relations

*Agreement effected by exchange of notes
at Hanoi July 29 and 31, 2009;
Entered into force July 31, 2009.*

No. 0748/09

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Socialist Republic of Vietnam and has the honor to propose the following:

The Government of the United States approves the opening of a Consulate General in Houston by the Government of Vietnam, subject to applicable laws and regulations, with a consular district that comprises the state of Texas. Further instructions on procedures for opening the consulate will be provided to the Embassy of Vietnam in Washington, D.C., no later than 30 days after this agreement enters into effect. The two governments shall work toward completion of all necessary procedures so that the Consulate General in Houston can open no later than September 2009.

The Government of Vietnam approves the consular district of the U.S. Consulate General Ho Chi Minh City as including the provinces/cities of: Thua Thien Huc, Da Nang, Quang Nam,

DIPLOMATIC NOTE

Quang Ngai, Binh Dinh, Phu Yen, Khanh Hoa, Ninh Thuan, Binh Thuan, Dong Nai, Ba Ria Vung Tau, Ho Chi Minh City, Binh Duong, Long An, Tien Giang, Ben Tre, Vinh Long, Tra Vinh, Can Tho, Hau Giang, Bac Lieu, and Ca Mau. The Government of the United States agrees to expand the consular district for the Vietnamese Consulate General in San Francisco to the states of California, Hawaii, Alaska, Oregon, Washington, Arizona, Utah, New Mexico, Colorado, Idaho, and Wyoming.

The Government of Vietnam approves the opening of a Consulate in Danang by the Government of the United States, with the provision that the United States will not open this Consulate until after January 2010.

The Government of Vietnam and the Government of the United States reaffirm their commitment to facilitate consular officers of the consular posts of the Sending State in the performance of consular functions outside their consular district in accordance with the Receiving State's applicable laws and regulations, bilateral agreements, international agreements, and practices.

Noting that the opening of more consular offices in both countries will constitute a significant deepening of our

consular relations, the Governments of the United States and Vietnam agree to hold annual consultations on consular issues beginning one year after the date this agreement enters into force, including inter alia discussion of implementation by both sides of this agreement.

The Government of the United States approves the opening of a Vietnamese Consulate in New York at a time in 2010 suitable to the Government of Vietnam and the Government of the United States after the first consultation meeting has taken place.

If the aforementioned proposal is acceptable to the Government of the Socialist Republic of Vietnam, the Embassy proposes that this note together with the Ministry's favorable note in reply shall constitute an Agreement between the Government of the United States of America and the Government of the Socialist Republic of Vietnam regarding consular districts and new consulates, in implementation of the 1963 Vienna Convention on Consular Relations, which shall enter into force on the date of the Ministry's response.

Proposed Government of Vietnam response note:

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the Embassy of the United States of America and has the honor to acknowledge the Embassy's Diplomatic Note number 0748/09 dated July 17, 2009 which reads as follows:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Socialist Republic of Vietnam and has the honor to propose the following:

The Government of the United States approves the opening of a Consulate General in Houston by the Government of Vietnam, subject to applicable laws and regulations, with a consular district that comprises the state of Texas. Further instructions on procedures for opening the consulate will be provided to the Embassy of Vietnam in Washington, D.C., no later than 30 days after this agreement enters into effect. The two governments shall work toward completion of all necessary procedures so that the Consulate General in Houston can open no later than September 2009.

The Government of Vietnam approves the consular district of the U.S. Consulate General Ho Chi Minh City as including the provinces/cities of: Thua Thien Hue, Da Nang, Quang Nam, Quang Ngai, Binh Dinh, Phu Yen, Khanh Hoa, Ninh Thuan, Binh Thuan, Dong Nai, Ba Ria Vung Tau, Ho Chi Minh City, Binh Duong, Long An, Tien Giang, Ben Tre, Vinh Long, Tra Vinh, Can Tho, Hau Giang, Bac Lieu, and Ca Mau. The Government of the United States agrees to expand the consular district for the Consulate General in San Francisco to the states of California, Hawaii, Alaska, Oregon, Washington, Arizona, Utah, New Mexico, Colorado, Idaho, and Wyoming.

The Government of Vietnam approves the opening of a Consulate in Danang by the Government of the United States, with the provision that the United States will not open this Consulate until after January 2010.

The Government of Vietnam and the Government of the United States reaffirm their commitment to facilitate consular officers of the consular posts of the Sending State in the performance of consular functions outside their consular district in accordance with the Receiving State's applicable laws and regulations, bilateral agreements, international agreements, and practices.

Noting that the opening of more consular offices in both countries will constitute a significant deepening of our consular relations, the Governments of the United States and Vietnam agree to hold annual consultations on consular issues beginning one year after the date this agreement enters into force, including inter alia discussion of implementation by both sides of this agreement.

The Government of the United States approves the opening of a Vietnamese Consulate in New York at a time in 2010 suitable to the Government of Vietnam and the Government of the United States after the first consultation meeting has taken place.

If the aforementioned proposal is acceptable to the Government of the Socialist Republic of Vietnam, the Embassy proposes that this note together with the Ministry's favorable note in reply shall constitute an Agreement between the Government of the United

States of America and the Government of the Socialist Republic of Vietnam regarding consular districts and new consulates, in implementation of the 1963 Vienna Convention on Consular Relations, which shall enter into force on the date of the Ministry's response.

The Ministry confirms that the proposal set forth in the Embassy's note is acceptable to the Government of the Socialist Republic of Vietnam and agrees that this note and the Embassy's note shall constitute an Agreement between the two governments, which shall enter into force on the date of this note.

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

End of proposed note

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Socialist Republic of Vietnam the assurances of its highest consideration.

Embassy of the United States of America,

Hanoi, July 29, 2009.





**BỘ NGOẠI GIAO
NƯỚC CỘNG HÒA XÃ HỘI CHỦ NGHĨA
VIỆT NAM**

Số: 427/CH-BNG

Bộ Ngoại giao nước Cộng hòa Xã hội chủ nghĩa Việt Nam kính chào Đại sứ quán Hợp chúng quốc Hoa Kỳ tại Hà Nội và hân hạnh ghi nhận Công hàm số 0748/09 ngày 29/7/2009 của Đại sứ quán với nội dung như sau:

“Chính phủ Hoa Kỳ chấp thuận để Chính phủ Việt Nam lập Tổng Lãnh sự quán tại Houston, phù hợp với luật và quy định hiện hành, với khu vực lãnh sự là bang Texas. Không muộn hơn 30 ngày sau ngày thỏa thuận này có hiệu lực, Đại sứ quán Việt Nam tại Washington, D.C., sẽ được thông báo các hướng dẫn về thủ tục lập Tổng lãnh sự quán này. Hai Chính phủ sẽ phối hợp hoàn tất mọi thủ tục cần thiết để Tổng Lãnh sự quán Việt Nam tại Houston có thể được lập không muộn hơn tháng 9 năm 2009.

Chính phủ Việt Nam chấp thuận cho mở rộng khu vực lãnh sự của Tổng Lãnh sự quán Hoa Kỳ tại Thành phố Hồ Chí Minh ra các tỉnh và thành phố sau: Thừa Thiên Huế, Đà Nẵng, Quảng Nam, Quảng Ngãi, Bình Định, Phú Yên, Khánh Hòa, Ninh Thuận, Bình Thuận, Đồng Nai, Bà Rịa – Vũng Tàu, Thành phố Hồ Chí Minh, Bình Dương, Long An, Tiền Giang, Bến Tre, Vĩnh Long, Trà Vinh, Cần Thơ, Hậu Giang, Bạc Liêu và Cà Mau.

Chính phủ Hoa Kỳ đồng ý mở rộng khu vực lãnh sự của Tổng Lãnh sự quán Việt Nam tại San Francisco ra các bang California, Hawaii, Alaska, Oregon, Washington, Arizona, Utah, New Mexico, Colorado, Idaho, và Wyoming.

Kính gửi :

Đại sứ quán
Hợp chúng quốc Hoa Kỳ

HÀ NỘI

Chính phủ Việt Nam chấp thuận để Chính phủ Hoa Kỳ lập Lãnh sự quán tại Đà Nẵng với điều kiện Hoa Kỳ sẽ không lập Lãnh sự quán này trước tháng 01 năm 2010.

Chính phủ Việt Nam và Chính phủ Hoa Kỳ khẳng định lại cam kết của hai bên về việc tạo thuận lợi cho các viên chức lãnh sự của các cơ quan lãnh sự của Nước Cũ trong việc thực hiện chức năng lãnh sự bên ngoài khu vực lãnh sự phù hợp với luật và quy định hiện hành của Nước Tiếp nhận, các thỏa thuận song phương, các thỏa thuận quốc tế và thực tiễn quốc tế.

Ghi nhận rằng việc lập thêm các cơ quan lãnh sự tại hai nước sẽ tăng cường đáng kể quan hệ lãnh sự song phương, Chính phủ Hoa Kỳ và Chính phủ Việt Nam nhất trí tổ chức các cuộc tham vấn hàng năm về các vấn đề lãnh sự sau một năm kể từ ngày Thỏa thuận này có hiệu lực, trong đó thảo luận về việc hai bên thực hiện Thỏa thuận này.

Chính phủ Hoa Kỳ chấp thuận việc lập Lãnh sự quán Việt Nam tại New York trong năm 2010 vào một thời điểm phù hợp với Chính phủ Việt Nam và Chính phủ Hoa Kỳ và sau cuộc tham vấn lãnh sự đầu tiên được tổ chức.

Nếu đề nghị nêu trên có thể chấp nhận được đối với Chính phủ Việt Nam, Đại sứ quán Hoa Kỳ tại Việt Nam đề nghị rằng công hàm này cùng với công hàm chấp thuận của Bộ Ngoại giao Việt Nam sẽ tạo thành một Thỏa thuận giữa Chính phủ Hợp chúng quốc Hoa Kỳ và Chính phủ nước Cộng hòa Xã hội chủ nghĩa Việt Nam về các khu vực lãnh sự và các cơ quan lãnh sự mới, phù hợp với việc áp dụng Công ước Viên năm 1963 về Quan hệ lãnh sự. Thỏa thuận này sẽ có hiệu lực kể từ ngày Bộ Ngoại giao Việt Nam có công hàm chấp thuận.”

Bộ Ngoại giao Việt Nam khẳng định những nội dung nêu trong Công hàm số 0748/09 ngày 29/7/2009 của Đại sứ quán Hoa Kỳ nói trên là chấp nhận được đối với Chính phủ nước Cộng hòa Xã hội chủ nghĩa Việt Nam. Bộ Ngoại giao Việt Nam nhất trí rằng Công hàm này và Công hàm số 0748/09 ngày 29/7/2009 của Đại sứ quán Hoa Kỳ sẽ tạo thành Thỏa thuận giữa Chính phủ Việt Nam và Chính phủ Hoa Kỳ. Thỏa thuận này có hiệu lực kể từ ngày của Công hàm này.

Nhân dịp này, Bộ Ngoại giao nước Cộng hòa Xã hội chủ nghĩa Việt Nam gửi đến Đại sứ quán Hợp chúng quốc Hoa Kỳ tại Hà Nội lời chào trân trọng.

Hà Nội, ngày 21 tháng 7 năm 2009



Translation



MINISTRY OF FOREIGN AFFAIRS
SOCIALIST REPUBLIC OF VIETNAM

Number: 427/CH-BNG

To:
The Embassy of
The United States of America
Hanoi

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam presents its compliments to the Embassy of the United States of America in Hanoi and has the honor to acknowledge the Embassy's Note number 0748/09 dated July 29, 2009 and having the following content:

"The Government of the United States approves the opening of a Consulate General in Houston by the Government of Vietnam, subject to applicable laws and regulations, with a consular district that comprises the state of Texas. Further instruction on procedures for opening the consulate will be provided to the Embassy of Vietnam in Washington, D.C., no later than 30 days after this agreement enters into effect. The two governments shall work toward completion of all necessary procedures so that the Consulate General in Houston can open no later than September 2009.

The Government of Vietnam approves the expansion of the consular district of the U.S. Consulate General in Ho Chi Minh City to include the following provinces and cities: Thua Thien Hue, Da Nang, Quang Nam, Quang Ngai, Binh Dinh, Phu Yen, Khanh Hoa, Ninh Thuan, Binh Thuan, Dong Nai, Ba Ria-Vung Tau, Ho Chi Minh City, Binh Duong, Long An, Tien Giang, Ben Tre, Vinh Long, Tra Vinh, Can Tho, Hau Giang, Bac Lieu and Ca Mau.

The Government of the United States agrees to expand the consular district of the Vietnamese Consulate General in San Francisco to the states of California, Hawaii, Alaska, Oregon, Washington, Arizona, Utah, New Mexico, Colorado, Idaho, and Wyoming.

The Government of Vietnam approves the opening of a Consulate in Da Nang by the Government of the United States, with the provision that the United States will not open this Consulate until after January 2010.

The Government of Vietnam and the Government of the United States reaffirm their commitment to facilitate consular officers of the consular posts of the Sending State in the performance of consular functions outside their consular district in accordance with the Receiving State's applicable laws and regulations, bilateral agreements, international agreements, and international practices.

Noting that the opening of more consular offices in both countries will constitute a significant deepening of our consular relations, the Governments of the United State and Vietnam agree to hold annual consultations on consular issues beginning one year after the date this agreement enters into force, including discussion of implementation by both sides of this agreement.

The Government of the United States approves the opening of a Vietnamese Consulate in New York at a time in 2010 suitable to the Government of Vietnam and the Government of the United States after the first consultation meeting has taken place.

If the aforementioned proposal is acceptable to the Government of Vietnam, the U.S. Embassy in Vietnam proposes that this note together with the favorable note of the Ministry of Foreign Affairs of Vietnam in reply shall constitute an Agreement between the Government of the United States and the Government of the Socialist Republic of Vietnam on the consular districts and new consulates, in accordance with the 1963 Vienna Convention on Consular Relations. This Agreement shall enter into force on the day the Ministry of Foreign Affairs of Vietnam issues a note of approval."

The Vietnamese Ministry of Foreign Affairs declares that the contents of the U.S. Embassy's aforementioned Note number 0748/09 dated July 29, 2009 are acceptable to the Government of the Socialist Republic of Vietnam. The Ministry of Foreign Affairs of Vietnam agrees that this Note and the U.S. Embassy's Note number 0748/09 dated July 29, 2009 shall constitute an Agreement between the Government of Vietnam and the Government of the United States. This Agreement shall enter into force on the date of this Note.

The Ministry of Foreign Affairs of the Socialist Republic of Vietnam would like to take this opportunity to extend its cordial regards to the Embassy of the United States of America in Hanoi.

[Initials]

Hanoi, July 31, 2009