

# State Department Amends ITAR to Allow Certain Exports of Lethal Defense Articles to Vietnam

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November 11, 2014

The U.S. Department of State has revised the International Traffic in Arms Regulations (ITAR) to change its longstanding policy on exports of certain lethal defense articles to Vietnam. Since the end of the Vietnam War, the State Department has imposed a presumptive policy of denial with regard to all such exports – *i.e.*, the agency denied any requests for licenses or other approvals for exports of lethal defense articles and defense services destined for Vietnam. <sup>1</sup>

Effective November 10, 2014, the State Department will now authorize exports of defense articles to Vietnam, including certain defense articles categorized as “lethal,” on a case-by-case basis. <sup>2</sup> To be eligible for authorization, the defense articles or services to be exported must relate to “maritime security.” Specifically, the State Department’s notice in the *Federal Register* stated that it is “in the best interests of U.S. foreign policy, national security, and human rights concerns that exports of lethal defense articles and defense services to Vietnam may be authorized on a case-by-case basis when in support of maritime security and domain awareness.” <sup>3</sup>

While this revision somewhat relaxes the strict export controls applicable to defense article exports to Vietnam, exporters must be aware that this amendment does not provide a blanket authorization for such exports. Any exporter that wishes to transfer defense articles or services to Vietnam must first apply for, and receive, a valid export license or other authorization from the U.S. Department of State’s Directorate of Defense Trade Controls.

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## Practice Areas

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Export Controls and Economic Sanctions  
International Trade  
Trade Policy and Trade Negotiations

<sup>1</sup> See 22 C.F.R. § 126.1(l).

<sup>2</sup> *Amendment to the International Traffic in Arms Regulations: Policy on Exports to Vietnam*, 79 Fed. Reg. 66,615 (Dep't State Nov. 10, 2014).

<sup>3</sup> *Id.*