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## INTERNATIONAL LAW ON TERRORISM AND LEGAL PERFECTION IN VIETNAM

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After the 9/11 terrorist attack in the soil of the US, together with a series of other terrorist attacks which followed in many parts of the world, terrorism is seen as a threat to the global security and the fight against terrorism has become a hotly debated political issues for most countries. International terrorism in the recent years has been getting more complicated and diversified in forms and manners of actions, dangerous in attempts, which cause heavy consequences and it has been a haunting issues to many countries. Therefore, the fight against international terrorism has been internationalised and the international community asserts that it is not possible to fight terrorism in one single nation but to form regional and world coalition.

There are measures proposed by specialists to fight terrorism at national, regional and international levels, in which the perfection of legal framework is considered a key solution. Within its mandate of peace and international security protection, the United Nations has approved various important international laws and regulations to suppress and try terrorist actions. These are also important legal bases for international cooperation amongst nations in the investigation, prosecution and trial of terrorist activities, and the bases for countries to sign, join and take responsibility in legalising their national laws.

Up to date, the US has approved 13 international conventions related to terrorism, including: Multilateral convention on crimes and other illegal activities on aircraft of 1963 (26 articles approved on 14 of September 1963, and becomes effective on 04 December 1963); the Hague convention on violation aircraft of 1970 (14 Articles approved on 16 December 1970, and become effective on 14 October 1971); Multilateral convention on the violation of aviation safety of 1971 (16 articles approved on 23 September 1971 and become effective on 26 January 1973); Convention on prevention and control of crimes against internationally-immunized people including diplomatic officials of 1973 (20 articles approved on 14 December 1973 and become effective on 20 February 1977); International convention on anti-hostage taking of 1979 (20 articles approved on 18 December 1979 and becomes on 03 June 1983); International convention on the protection of physics of nuclear materials of 1979 (23 Article approved on 03 March 1980 and become effective on 08 February 1987); Convention on the control of illegal violation of maritime route safety of 1988 (22 Article approved on 10 March 1988



and becomes effective 09 March 1989); Convention on marking plastic explosive for detection of 1991 (15 Article approved on 01 March 1991, and become effective on 21 June 1998); International convention on the control of terrorist bombing of 1971 (24 Articles approved on 12 January 1978 and become effective on 23 May 2001); International convention on the control of financial sponsorship for terrorism of 1999 (28 articles approved on 10 January 2000 and becomes effective on 10 April 2002); International convention on anti-nuclear terrorism (28 Articles, approved on 14 September 2005, and become effective on 07 July 2007); International protocol on the control of violent actions at international airports of 1988 (9 Articles approved on 20 February 1988 and becomes effective on 06 August 1989); International protocol on the control of illegal violation of safety of the continent periphery of 1988 (10 Articles approved on 10 March 1988 and becomes effective on 01 March 1992).

In addition, the United Nations has also approved terrorism-related resolution such as Resolution No. 1267 (1999) on 15 October 1999; Resolution No. 1373 (2001) on 28 September 2001; Resolution No. 1390 (2002) on 16 January 2002; Resolution No. 1455 (2003) on 17 October 2003)...

In general, all international convention on terrorism vehemently condemns international terrorist activities and strongly their opposition to terrorism under all forms. By approving a system of international law on terrorism, the UN has shown clearly a leading role in the fight against terrorism worldwide.

In research of international law on terrorism shows that each international convention provides different measures and methods of punishments. Although there is no single definition on terrorism, international conventions have listed activities, which are considered terrorist actions according to the following categories:

- *Terrorist activities targeting aircrafts and in violation of aviation safety regulations, including:* In violation of the safety of aircrafts, people or properties, causing public disorder on aircraft; use of violence or violent threat to take control of the aircraft; violent activities against people on an aircraft en route; behaviour to cause destruction of navigation system or destruction of aircraft; the transfer of information which a persons know it incorrect, and hence cause a potential danger to the aircraft, intentional and illegal use of equipment, agents or weapons to carry out violent actions against personnel working at international airports or cause suspension of operations of the international airport ...



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- *Terrorist activities related to the safety of maritime routines and permanent facilities along continent borders:* the control or take-over of ships by violence or threat of violent actions or other alike behaviour; violent action against people on ships...; behaviour to destroy or damage ships or commodities...; he set-up under any forms of devices or agents which can destroy or damage ships or damage to commodities the ship carry...; serious destruction to maritime navigation systems, equipment or serious intervention into the operation of such equipment, the exchange of information which a person knows inaccurate cause potential damage to the safety of the ship en route; action which leads to killing and injury of people ...

- *Terrorist activities in violation of human health, physical health and human freedom:* Kidnapping, killing, taking hostage or attacking human bodies or human freedom of those under international protection; violent attack to offices, personal residence or vehicle of those under international protection...; detaining, threat of killing or injuring, or continued detaining in order to threaten a third party... to do or not to do something as an explicit or implicit condition to release hostages.

- *Terrorist activities to use illegally dangerous weapons and weapon of high destruction such as:* bombs, mines, nuclear weapons to detonate and intentionally detonate to kill people or targeting public places, government facilities, public transportation or infrastructure...; the behaviour of illegal possession of radiation substance or take-over or production of devices containing radiation substance ...

- *Activities of mobilizing money under any forms,* directly or indirectly, illegally and intentionally with a purpose or in knowledge that part of the money will be used to fund terrorist activities.

Terrorist activities, defined under the international conventions are diversified, multi-forms, and could be violent actions or threat of violence, destruction or threat of destruction, killing, causing injury, bomb set-up... to define whether a behaviour is a terrorist activity depends on various specific criteria. In some cases, it is based on the persons who are violated; purpose of crime, and sometimes on the violators... in terms of national law, a behaviour to be no considered as terrorist activity depends on political institutions, class ideologies; and religious and ethnic perceptions of such country. That is why to date no single definition about terrorism has been reached by the international community.

Anti-terrorism is one of the central missions of the United Nations in order to protect the world's peace. The international legal system on terrorism has in fact



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met urgent needs for countries in the struggle against terrorism at a global scale. UN member countries when joining international conventions on anti-terrorism shall be obliged to undertake tasks such as: to introduce measures in order to define judicial rights; show strong commitment to trial of terrorist activities and terrorism-related actions; and cooperate internationally in anti-terrorism.

It can be said that international cooperation play an important role recognised in all international convention on terrorism. Enhancing multilateral cooperation is but an obvious need in the fight against terrorism as the threat of terrorism has now border. The need for multilateral cooperation in the prevention and fight against terrorism has been clearly stated in all international laws. Member countries are to cooperate and give all possible assistance in the prosecution process of crimes such as exchange of information, hand-over of evidence, investigation proceedings and prosecution of violators. Member countries shall receive and transfer terrorists when required, at the same time put in place prevention measures such as put the terrorist under custody and other measure to control the suspects. Member countries shall extradite terrorist suspects or try according to national law to ensure terrorists cannot escape the punishment of laws ...

The fight against terrorism is a non-territorial one, without time line and the limit of possible consequences to which the international community might have to suffer. However, to fight effectively, it is important to build a strong legal system, not just within a nation, a territory but also in all places. Therefore, joining international convention on anti-terrorism is necessary to all countries in the world.

In the recent years, under the renovation process of the Party, Vietnam has developed friendship and peace relationships with many countries, taking on important task within international institutions, regionally and in the world, at the same time joining many international, multilateral conventions relating to the protection of world peace, security and for the prevention of terrorist activities. Vietnam has shown clear attitude and commitment to fighting terrorists and dedication to making efforts for peace, stability, development and international integration. To date, Vietnam has joined and ratified 8 international conventions on anti-terrorism out of 13 multilateral conventions relating to anti-terrorism approved by the UN. Vietnam is also making preparations to join other conventions such as: Convention on marking plastic materials for detection purposes of 1991; International convention on control of terrorist bombing activities of 1997; international convention on anti-hostage taking of 1979; international convention on the protection of nuclear physic surface of 1979; international convention on anti-nuclear terrorism of 2005. Joining those convention shall help Vietnam in its



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addition of legal bases in the fight against terrorism, maintaining sovereignty and social order. In addition, it is show stronger, more expressly Vietnam's dedication and commitment in the fight against terrorism, which has been recognised by the international community.

In joining international community in the fight against terrorism, at regional level, Vietnam has joined and ratified the ASEAN Anti-terrorism convention, ASEAN legal and judicial assistance agreement, in negotiation to join the ASEAN extradition agreement. In multilateral relations, Vietnam has signed over 10 legal aid agreements with other countries and many other agreements, convention on international crime prevention. Accordingly, Vietnam is now reviewing its legal system and especially national law on terrorism compatible with international law.

In reviewing international conventions and in reference to current regulations of Vietnam related to terrorism issues, the author sums up some comments as follows:

First, terrorism as in Vietnamese criminal law is interpreted as countering people's government meanwhile many international conventions to which Vietnam has become a part define terrorism from a multi-faceted perspective, such as: behaviour causing public embarrassment and disorder, or force a country, an international organisation, an inter-governmental organisation, a individual or an entity or a group of people to do or not to do something (*International convention on anti-hostage taking of 1979*)... or killing or causing serious injuries or destruction of places, devices or system in a broad scale, leading to major economic consequences (*International convention on the control of terrorist bombing action of 1997*)... some activities can be considered as terrorist actions regardless of purposes such as behaviours relating to the safety of vehicles or aviation and maritime routes ... defined in Tokyo Convention of 1963, the Hague Convention of 1970, The Montreal Convention of 1971...

Second, terrorist behaviours defined by the law of Vietnam include: violation of life, body freedom, physical health; threat to human life and mental threat to government officials and cadres. International conventions give broad concept of terrorism including violent activities or threat of violence, killings, causing injuries or property destruction or bombing ...

Third, the objects of terrorist activities in accordance with the law of Vietnam is mainly human beings (specifically "*Cadres, government official or Vietnamese citizens or foreign citizens*") meanwhile international convention include violation of materials and properties ... in many terrorist cases in the



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world, the terrorists do attack and cause destructions/damages to properties, critical facilities related to national securities. Such targets might be important security facilities or economic infrastructure.... Causing economic consequences can be seen as one of popular tactics used by terrorist actors.

Given all those issues, Vietnam is in the process of assessments, amendments in line with the policies of the Party and the State of the Socialist Republic of Vietnam on the prevention and fight against terrorism, suitable with Vietnam's existing conditions and contexts and in line with international law.

In making amendments to terrorism-related law, Vietnam is researching to build a separate law against terrorism. Accordingly such law shall provide fundamental concepts and definitions as well as measures in relation to terrorism such as: terrorist behaviours, terrorist organizations, prevention and trial measures, rights and obligations of agencies, organizations and individuals in the prevention and control of terrorism. .. the issuance of a law on terrorism not only helps Vietnam perfect its legal system, but to show Vietnam's consistence and commitment to the fight against international terrorism.

With a motto that Vietnam wishes to be friend, reliable partners to all countries, through this forum, Vietnam affirms its position, which is to actively cooperate to counter terrorism for a world of peace.

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