



Security Council

Distr.: General
17 August 2009

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 August 2009 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the latter's note dated 29 June 2009, has the honour to submit the report on the steps that the Socialist Republic of Viet Nam has taken with a view to implementing resolution 1874 (2009) (see annex).



Annex to the note verbale dated 9 August 2009 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

Report of the Socialist Republic of Viet Nam on the implementation of resolution 1874 (2009) of the Security Council

Pursuant to para. 22 of Security Council resolution 1874 (2009), Viet Nam hereby submits its country report to the Security Council on measures taken by Viet Nam to implement this resolution and relevant legal frameworks of Viet Nam as follows:

1. The consistent policy of Viet Nam is for the comprehensive ban of nuclear tests and against the proliferation of nuclear weapons and other weapons of mass destruction towards the complete elimination of these weapons. With such position and as a responsible member of the United Nations, Viet Nam has fully implemented its obligations in accordance with Security Council resolutions, including the submission of its country report on the implementation of Security Council resolution 1718 (2006). Viet Nam continues to implement, in a serious manner, this resolution as well as the recently adopted resolution 1874 (2009).

2. Shortly after the Security Council adopted resolution 1874 (2009), the Prime Minister of Viet Nam instructed relevant Ministries and agencies to implement the resolution. The Ministries and agencies have appointed their respective focal points, apprised their bodies of the provisions of resolution 1874 (2009) and the list of designated entities by the Committee pursuant to resolution 1718 (2006).

3. The Prime Minister's Decree on the implementation of resolution 1874 (2009) and relevant legal documents, including the legal framework for the implementation of resolution 1718 (2006) as provided in details in Viet Nam's report on the implementation of resolution 1718 (2006), constitute the basic legal framework for the implementation of resolution 1874 (2009). They are as follows:

a) With respect to export and transfer of the items referred to in paragraphs 8 (a), (b), (c) of resolution 1718 (2006) and paragraphs 9, 10 of resolution 1874 (2009):

In Viet Nam, all weapons are under the strict and sole control of the State; individuals are prohibited from possessing and using weapons. According to Vietnamese laws, weapons and related materials are among special goods prohibited from production, stockpiling, transporting and trading. The 1999 Penal Code sets out clear provisions on penalties for illegal production, stockpiling, transport and trade of weapons, military equipment, explosives and radioactive substances, inflammable materials and toxins.

Apart from the laws and regulations applied generally on all weapons, Viet Nam also promulgated additional regulations for the control of weapons of mass destruction and related materials. In June 2006, the National Assembly of Viet Nam approved the Law on Nuclear Energy providing for concrete measures to ensure safety and promote the use of nuclear energy for peaceful purposes. The Law prohibits the use of nuclear energy for other purposes that may encroach upon

State sovereignty, infringe upon the legitimate rights and interests of organizations and individuals or affect human health and the environment. It also prohibits research and development, transfer and use of nuclear and radioactive weapons. The Law also provides for concrete regulations on control of export and import of radioactive substances and nuclear facilities, irradiated goods or goods containing radioactive substances; control of import of goods suspected of containing radioactive substances or being radiated, etc. Before that, the Government of Viet Nam promulgated a number of legal documents on nuclear safety, including the Ordinance on Radiation Safety and Control (1996), National Nuclear and Radiation Safety Action Plan (2000), Decree No. 51/2006/ND-CP (2006) and the Circular guiding the implementation of the Decree on administrative penalties for violations in radiation safety and control, Decision 115/2007/QD-TTg (2007) of the Prime Minister to promulgate Regulation on ensuring the security of radioactive sources, which regulates the responsibilities on ensuring the security of sealed radioactive sources with radioactivity greater than the exemption level specified in related national technical standards; Decision 14/2007/QD-TTg (2007) of the Prime Minister to promulgate Regulation on discovery and addressing radioactive sources beyond authorized control.

In regard to chemicals, on 3 August 2005, the Government issued Decree No. 100/2005/ND-CP on the implementation of the Convention on Chemical Weapons, providing strict regulations on the transfer of chemicals. On 20 November 2007, the National Assembly of Viet Nam adopted the Law on Chemicals, which designates the Ministry of Industry and Commerce as the government agency having regulatory responsibility for activities relating to chemicals. On 7 October 2008, the Government issued Decree No. 108/2008/ND-CP providing concrete regulations and guiding the implementation of the Law.

On 26 August 2005, the Prime Minister issued Decision No. 212/2005/QD-TTg promulgating the Regulation on Bio-safety Control over Genetically Modified Organisms (GMO) and GMO-based products. The Regulation provides for State management over bio-safety in the following activities: scientific research, technological invention, testing; production, trading and use; import, export, storage and transportation; risk assessment and management, bio-safety licensing for GMO and GMO-based products in order to protect human health, the environment and bio-diversity.

Viet Nam's legal documents regulating domestic and foreign trade also provide strict regulations of activities related to all kinds of weapons and substances that may be used for production and transfer of weapons of mass destruction. Legal documents including the 2005 Trade Law, the 2006 Civil Aviation Law, Decree No. 32/2005/ND-CP of the Government set out provisions on punitive measures for smuggling, transportation and use of weapons, radioactive substances and explosives via land border gates, airports and seaports. In regard to the temporary import for re-export, regulations for business in the form of temporary import for re-export and transit shipments stipulate that the temporary import for re-export and transit shipments of prohibited goods must have the permission of the Ministry of Industry and Trade. In 2007, the Prime Minister issued Decree 25/2007/CT-TTg on preventing and fighting terrorism in the new context, which tightened measures to control the above-mentioned weapons.

In implementing these regulations, Viet Nam Customs has been and will be cooperating with other countries' customs and relevant international organizations on the transportation of prohibited and smuggled goods across borders; enhancing goods supervision across national borders to detect and prevent the illegal transportation of smuggled and prohibited goods, weapons, explosives and other hazardous substances.

b) On the freezing of funds, financial assets and economic resources as referred to in paragraph 8 (d) of resolution 1718 (2006) and paragraphs 18, 19, 20 of resolution 1874 (2009):

The legal basis for Viet Nam to implement measures related to this issue is shown in the following documents: the 1997 Law on State Bank (amended in 2003), the 1997 Law on Credit Institutions (amended in 2004), the 2005 Ordinance on Foreign Exchange, and the Government Decrees on Administrative Penalties in monetary and banking operations, on payments through payment service organizations, on the Organization and Operation of the People's Credit Funds.

In particular, Government Decree No. 74/2005/ND-CP of 7 June 2005 provides for mechanism and measures to address money-laundering in Viet Nam in cash or asset transactions. According to the Decree, the focal point of the inter-agency mechanism for anti-money-laundering is the State Bank, specifically the Anti-Money Laundering Information Centre, which is to receive information on suspicious transactions or transactions of suspicious origins, prepare periodic report to the Government, and coordinate relevant agencies for the implementation of the Decree. The Ministry of Public Security is the line agency in handling crime related to money-laundering, including investigation of money-laundering cases, and cooperating with the State Bank in implementing necessary preventive and punitive measures in preventing and combating money-laundering.

On 19 June 2009, the National Assembly of Viet Nam adopted the Law on the amendment of the 1999 Penal Code, which criminalizes the act of financing terrorism and sets out punitive measures for such acts.

c) In regard to entry and transit as referred to in paragraph 8 (e) of resolution 1718 (2006) and paragraph 18 of resolution 1874 (2009):

In the Ordinance No. 24/1999/PL-UBTVQH10 dated 28 April 2000 on Entry, Exit and Residence of Foreigners in Viet Nam, Article 4 makes it clear that 'foreigners entering or exiting Viet Nam must hold passports or alternative travel documents (hereinafter referred to as passport) with a valid visa issued by an authorized Vietnamese agency, except for cases where a visa is not required.' Article 19 of the Ordinance also stipulates that 'the Ministry of Public Security is the government agency having the primary responsibility to manage activities relating to the entry, exit and residence of foreigners in Viet Nam.' In performing this mandate, the Ministry of Public Security issued Regulation on entry and transit of foreigners in Viet Nam for tourism purposes, which set out strict procedures for relevant individuals and organizations to report to competent authorities of Viet Nam on their entry and exit.

Apart from the Ordinance, the Government has also issued Decree No. 21/2001/ND-CP of 28 May 2001 guiding the implementation of the Ordinance and Government Decree No. 32/2005/ND-

CP of 11 March 2005 stipulating the Regulations on Land Border Gates and the exit and entry, transit, import and export through the border gates of people, vehicles and goods, in order to manage and protect national sovereignty and ensure border security. Article 15 of this Decree No. 32/2005/ND-CP strictly prohibits the use of fraudulent passports and travel documents; organization, guide and transportation of people for illegal migration purposes at border gates.

d) In regard to the illegal transfer of nuclear, chemical and biological weapons, their means of delivery, and related materials as referred to in paragraph 8 (f) of resolution 1718 (2006):

As mentioned above, Vietnamese laws provide strict regulations to prohibit illegal transfer of these weapons and materials; respective focal points and punitive measures against violations are also clearly determined. Among the typical legal documents, there are the 2005 Maritime Law which prohibits the ‘illegal transportation of people, goods, luggage, weapons, radioactive substances, hazardous wastes and narcotics,’ and the Government’s Decree 62 on administrative penalties in maritime shipping activities. On vessel control, the Government’s Decree No. 71/2006/ND-CP dated 25 July 2006 stipulates the procedures required for vessels entering or exiting Viet Nam, covering the two cases that require direct on-board monitoring and supervision by relevant state authorities, which are: (i) vessels with obvious signs of breach of the law and (ii) situations whereby such operations are necessary to safeguard security, national defence, law and order, or to prevent pandemics. The above documents are the legal foundation for the implementation of resolution 1874 (2009).

4. Viet Nam once again reiterates its commitment to the full implementation of resolution 1874 (2009) of the Security Council and its willingness to cooperate with parties concerned in this effort. Viet Nam wishes that related international efforts, through peaceful and constructive dialogue, will contribute to the denuclearization of the Korean peninsula, in the interests of regional and global peace, stability and long-term development.