

# Did ‘Sovereignty Fears’ Hinder Socialist State’s Ratification of International Civil and Political Rights Treaties?: The Case of Vietnam’s Ratification of the Convention against Torture

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国家主権侵害の恐れは社会主義国家が市民  
及び政治的権利に関する国際条約の批准を妨げたのか？  
—拷問禁止等条約に関するベトナムの事例—

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## Abstract

This paper examines one of the main reasons causing Vietnam’s decision to join the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as CAT) in 2013 for which it believes to have significant implication on the sovereignty approach that explains state behavior towards the ratification of international Human Rights treaties. Among several contemporary theories explaining state behavior such as the normative, rationalist, or reward-based models, the sovereignty approach is viewed as either only plays “selective role” towards state’s decision, or creates certain constraints to state’s decision-making process because of some possible high sovereignty costs imposed by the treaty. This paper argues that, under a socialist regime such as Vietnam, the issue of protecting sovereignty, especially in the field of Human Rights, is always important when the state decides its ratifying behavior towards international Civil and Political rights (Human Rights) treaties. However, during the recent globalization context where there are greater integration and cooperation at all levels (bilateral, multilateral, regional, and international) and in all areas (political, economic, security, social-cultural), sovereignty fears recognized by a socialist state no longer come from the Human Rights treaty itself, but rather from those significant external pressures on Human Rights that potentially threaten its state sovereignty; and together with possible factors as explained by the reward-based approach, such bigger fears imposed by the larger international community with opposing view on Human Rights actually contribute positively to state’s quicker ratifying decision if this action is needed for the socialist state to limit outsiders’ criticism and intervention on state’s domestic Human Rights conditions, beside the need to seek relevant international cooperation and supports for Human Rights and other matters.

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## 1. Introduction

On November 7<sup>th</sup> 2013, Ambassador to the United Nations Le Hoai Trung, on behalf of the Vietnamese Government, signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (also known as the United Nations Convention against Torture, or CAT), which it was later ratified by the Vietnam's National Assembly on November 28<sup>th</sup> 2014. This action by Vietnam creates an interesting question as why a socialist state like Vietnam decided to join such an important international Civil and Political rights instrument during that particular period of time.

In the first part of this paper for literature review, it is known that among other existing theoretical frameworks explaining state behavior towards the ratification of international Human Rights (HR) treaties such as the normative, rationalist, or reward-based models, the sovereignty approach appears to be at times important and in other times it seems to be "ill-founded" for the explanation of state's ratifying behavior (Aloisi 2011). In fact, there have been various debates on this approach's applicability; for example, scholars (Goodman & Jinks 2003) believe that the ratification of international HR treaties would impose high sovereignty costs on states, and this issue limits states to make such decision, while scholar (Krasner 1999) views sovereignty as just an "organized hypocrisy". Nevertheless, there is a certain level of compatibility between the sovereignty approach and the socialist views of Civil and Political rights treaties of which they will be outlined in the second section of the literature review, followed by a focus on the case of CAT and Vietnam particularly.

Next, it is necessary to first determine Vietnam's contemporary views of HR in the recent global context, how they shaped the Communist Party of Vietnam to form its perspectives, cognition and relevant policies to deal with its current HR issues, and why the decision of ratifying CAT was needed. In short, as written in the Vietnam National Assembly's Verification Report on the Ratification of CAT, one of the main reasons was to "fight against hostile forces' slanders and distortion about the torture of persons held in custody, detainees and prisoners aiming to undermine the Vietnamese State" (Committee for Foreign Relations 2014, p.2). Such orientation was directed by the Central Party Secretariat's Instruction No.44/CT-TW (2010) on 'Tasks on Human Rights in new situation' viewing Human Rights as the ace of 'peaceful revolution' strategies from state's (internal and external) hostile forces, and instructing to especially protect state sovereignty from outsiders' pressures that are considered as sovereignty threats in the field of HR.

Finally, the last part of this paper will analyze how the fear of sovereignty violation in the field of HR imposed by relevant external pressures strongly influenced on the Vietnam's decision of joining CAT. Thereby, this paper argues that, in the contemporary context, actual sovereignty fears recognized by socialist regime do not always come from the HR treaty itself, but rather from those relevant external dynamics of the state, including those dominant international actors and non-actors with opposing views of HR criteria trying to impose unwelcome frameworks of HR protection on state's domestic field. Therefore, in such cases, instead of blocking states from ratifying HR

treaty, this bigger fear, together with the evaluation of potential tangible and intangible benefits that the state would receive if the treaty is ratified, actually contributes positively to socialist state's ratifying decision if this action is needed for the state to protect its sovereignty in the field of HR from the larger outsiders' threats, as directed by its Communist Party's perspectives and policies.

## **2. Literature Review**

This section firstly outlines the relevant theoretical frameworks that explain state behavior towards the ratification of international HR treaties. Then it focuses on the sovereignty approach particularly because it is applicable especially with the socialist view of Civil and Political rights treaties. There is also an empirical review of CAT provisions and the case of Vietnam in relation to ratifying this Convention.

### **2.1 Theoretical frameworks of state behavior**

There are several contemporary theories explaining state behavior towards the ratification of international HR treaties such as normative model, rationalist approach, reward-based theory, and sovereignty approach. More specifically, according to scholars (Koh 1999; Finnemore 1996; Aloisi 2011), normative approach believes in the changing of states' values and interests on which states will ratify international HR treaties when such domestic values and interests conform to those international ones. Rationalist approach, on the other side, argues that state's ratifying decision depends on the "level of treaty's cooperation" and that states will ratify those that either have weak enforcement mechanisms or require them the "least efforts of changing their domestic settings" (Milner 1997; Downs et al 1996). Reward-based approach focuses on state's consideration of expected tangible and intangible benefits that state would receive if the treaty is ratified; unfortunately, this approach is recently claimed to be unconvincing due to the "lack of empirical support" (Nielsen & Simmons 2014). Lastly, sovereignty approach treats HR as a matter of "domestic jurisdiction" (Henkin 1979) and HR treaties as "in direct contrast with" and "affecting national sovereignty" of states (Krasner 1999; Sikkink 1993). In other words, state sovereignty and HR treaties are typically seen "as fundamentally opposed: the rights of states pitted against the rights of individuals" (Donnelly 2004, p.1).

### **2.2 Sovereignty approach and socialist view of Civil and Political rights treaties**

Among the abovementioned theories, the sovereignty approach seems to fit well especially with the explanation of traditional socialist state behavior towards Civil and Political rights treaties, due to certain differences between the socialist doctrine's recognition of some fundamental rights and freedoms and those from the Western democracies (Wieruszewski 1989), as well as in understanding the privilege of sovereignty and its relation to HR issues. Indeed, socialist doctrine defines sovereignty as "a supreme power of the state within its own territory and an independence in relation to other states" (Przetacznik 1977, p.243). Such understanding usually acts as a core

reason leading to socialist states' objections to international provisions and supervision of Human Rights issues.

On the other hand, HR treaties protecting civil and political rights with the purpose to regulate how governments can treat their citizens, are determined to "work presuppose that it is legitimate and necessary for states or non-state actors to be concerned about the treatment of the inhabitants of other states" (Sikkink 1993, p.413). As a result, such potential high sovereignty costs imposed by this particular kind of treaty would negatively affect states' willingness for ratification (Goodman & Jinks 2003). Similarly, as socialist doctrine provides a strong concept that sovereign states are entitled to self-determination, especially towards their citizen within their legitimate territory, there are certain fears that outsiders using HR protection to interfere state's internal affairs may undermine its sovereignty. In short, this can be called sovereignty fears.

Nevertheless, recently the consideration for sovereignty on state's ratifying decision is often claimed by scholars (Aloisi 2011; Krasner 1999) as it "has been over emphasized" or only imposes a "selective role" in state leaders' consideration of HR treaty ratification, especially when there is an increasing number of socialist states' ratification of some important international HR instruments, such as the Vietnam's ratifications of CAT (signed 2013, ratified 2015) and the Convention on the Rights of persons with Disabilities (signed 2007, ratified 2015), and the Laos PDR's ratification of CAT (signed 2000, ratified 2009). However, on the contrary, there are empirical findings particularly for Southeast Asia region that the two factors blocking its member states' ratification of HR treaties are "sovereignty" and "privacy of culture" (Jones 2014). Therefore, this paper finds it interesting and necessary to particularly review the importance of the role of sovereignty on a recent relevant socialist case where the country is especially located in Southeast Asia. And thereby, the sovereignty approach's current applicability can also be examined broader and deeper. For such reason, this paper will focus on the case of Vietnam via its recent ratification of CAT.

### **2.3 CAT and the case of Vietnam**

First of all, CAT's "central objective is to criminalize all instances of torture" (Garcia 2009, p.2). In more details, according to (Hall 2008), CAT sets up a "comprehensive scheme" containing various measures such as "prohibitions in criminal law", "strong principles of criminal responsibility", "regulations for security forces", and lots of training and duties for the involved personnel during investigation and prosecution processes, etc. aiming to ensure that "torture, the attempt to commit torture, and complicity in torture are offences" under states' domestic criminal law, and "to make these offences punishable by appropriate penalties" (Wendland 2002, p.15). CAT is divided into three parts of which its most important provisions lie within the first two parts. Therein, the first one (from Article 1 to 16) contains significant requirements for which member states must implement in their national laws to fulfill the Convention's obligations; while its second part (from Article 17 to 24) focuses on the role of CAT's monitoring body, known as the Committee against Torture, who watches member states' domestic implementation of this Convention.

Vietnam, on the other hand, is a developing country located in Southeast Asia region. The state is under the leadership of socialist regime following Marxist-Leninist ideology; therein, its principles include socialist legality and democratic centralism, meaning that there is no separation of state power, and that the law cannot be conflicting with the Communist Party's policies. Recently, there are various issues of HR that Vietnam must face and tackle when the country is increasing its regional and international integration and cooperation; for example, under the category of 'Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment', Vietnam is often claimed that "(although) the law prohibits physical abuse of detainees, but suspects commonly reported mistreatment by police and drug detention center personnel during arrest or detention" (United States Department of State 2014, p.2). Therefore, by deciding to join CAT, Vietnam is required to fulfill an extensive amount of commitment, including relevant alteration and improvement of its domestic legal settings, to cope well with the Convention's provisions.

### **3. Research Objectives and Research Questions**

There are two objectives that this study hopes to achieve. The first one is to determine how the Communist Party of Vietnam evaluates the contemporary role of international HR and its impacts on the country's current context, especially on the matter of state sovereignty, together with the Party's recent cognition and formation of relevant policies to tackle HR and its related issues in this new situation. Secondly, it is also necessary to analyze those significant pressures on HR that were viewed by Vietnam as threatening its state sovereignty, and how they positively led to Vietnam's decision of signing CAT in 2013 and ratifying it in 2014.

Therefore, the central research questions of this paper are: Why did sovereignty fears become a determinant factor contributing to Vietnam's decision of joining CAT in 2013? And what is its implication for the sovereignty approach that explains state behavior towards the ratification of international Human Rights treaties?

### **4. Vietnam's contemporary views of Human Rights in the recent global context**

This section will tackle the first objective of this paper by determining the two main contemporary views on the current role of HR and its international instruments by the Vietnam's Communist Party; these then become guidelines and instructions for the state to implement in its HR work within the country and also towards international Human Rights agreements.

#### **4.1 Human Rights and United Nations and other international organizations**

As HR is a core pillar of the United Nations (UN), according to (Permanent Office of the Government Steering Board for Human Rights 2014), Vietnam believes that UN does not only play an important role in promoting Human Rights, but also contribute to the enhancement of knowledge and trust, as well as the development of cooperation between nations and states. Vietnam believes that the matters of international HR on one hand bring benefits to states, but on the other hand,

they also deliver the possibility of causing conflicts among states and nations. Under the view of Vietnam, beside many democratic states that have opposing view on HR with a socialist state like Vietnam, there are also various international non-governmental organizations (NGOs) on HR that work for political purposes of which they would not only negatively impact their own impartiality, but also cause more complexity for the domestic implementation of HR protection in some states. Therefore, it is recognized by Vietnam that the “United Nations and its mechanisms play a leading role” (P. Hoang, personal communication, January 7, 2016), especially in enhancing dialogues and cooperation between member states in order to help narrowing those gaps of differences for the field of HR and aiming to achieve greater consensus among the international community on this area.

#### **4.2 Human Rights and Western states’ foreign policy**

In these recent years, the United States, European Union (EU) and its member states, together with their Western allies increase to comment and criticize Vietnam’s domestic HR conditions, as well as to treat the improvement of such conditions as a prerequisite element for the enhancement of bilateral and multilateral political and economic relationships. Although this is seen by Vietnam as HR is becoming “a priority in Western states’ foreign policy” (Permanent Office of the Government Stirring Board for Human Rights 2014, p.8), according to the Vietnam’s Ministry of Foreign Affairs (2007), such actions from Western States are viewed as not only to universalize HR to a level beyond national jurisdiction but also to intervene on other states’ HR situation; while a socialist (and developing) state such as Vietnam on one hand recognizes the core and common value of international HR concept, but on the other hand believes that the actual understanding and implementation of HR protection must be based on specific historical, cultural, and economic-social characteristics of that particular country and region.

Therefore, Western states’ activities such as commenting negatively on other states’ domestic HR conditions, promoting the development of domestic civil society there, and influencing the alteration of others’ domestic laws and institutions, etc., are seen as utilizing HR for the interference of other sovereign states’ internal affairs and violation of others’ national sovereignty. As being increasingly pressured by those Western states forcing state to meet their universal HR criteria, according to the Permanent Office of the Government Stirring Board for Human Rights (2014), Vietnam recently perceives that HR is a field that requires both cooperating and fighting efforts between socialist and Western democracies in this new context involving deeper and broader international cooperation and integration.

#### **4.3 The Communist Party’s contemporary cognition and perspectives on Human Rights**

Firstly, together with the lessons learnt from practical reforms since the Renovation Period started in 1986, the two abovementioned contemporary views contribute strongly to the Communist Party of Vietnam’s process of renovating its theoretical thinking on international HR of which they

only start facing when the country opens for more international integration and cooperation. More specifically, it is determined by the Party (via the Instruction No.44-CT/TW in 2010 of the Party Central Committee Secretariat together with the earlier Instruction No.41/TTg in 2004 of State's Prime Minister) that HR is a common value for all nations without distinguishing political regime, level of economic, social and cultural development; more importantly, today, it is not only a legal matter but also becoming moral and political issues.

Moreover, as many member states of the international community have already internalized various international HR instruments and taken certain steps for domestic implementation, the Vietnam's Communist Party believes that it is incorrect to treat HR as discoverable or private-owned values of Western countries, and that, according to (Le 2015), HR criteria "cannot be imposed from one country to another". Furthermore, the Party also recognizes that its inability of perceiving fully such issues of international HR earlier creates chances for those hostile (anti) forces of the Communist Party to exploit by utilizing international HR standards to criticize and oppose the Party's domestic leadership.

Secondly, the Communist Party of Vietnam also reaffirms that HR is closely associated with state sovereignty, as (Cao 2011) claims that "independence, national sovereignty, territorial integrity are the premise and prerequisite for individual (human) rights", and that "without independence and national sovereignty, it is impossible to have Human Rights fully and entirely" (Permanent Office of the Government Steering Board for Human Rights 2014, p.18). Thus, it is viewed by Vietnam that, although international cooperation on HR is very important for which this would help the state to receive more international supports and experiences on ensuring domestic HR protection, no state or non-state actor (including the United Nations) of the international community is legitimate to carry out this task but Vietnam itself.

#### **4.4 Vietnam's contemporary policies on Human Rights**

Under a socialist regime with only one leading political party, such abovementioned cognition and perspectives of the Communist Party are treated as oriented values for state's forming of relevant policies and activities. As a result, there are two important HR policies that are viewed as a premise for the Vietnam's decision of joining CAT. First of all, (Ta 2015) helps to reaffirm that, in the case of Vietnam, as "HR is tied with basic nation rights and put under the category of national sovereignty", and that "maintaining national sovereignty is the top-prioritized mission to ensure HR in Vietnam", protecting national sovereignty is treated as the first-priority and most important state policy when dealing with HR issues especially brought by those international actors and non-actors with opposing views of HR.

Then, the second policy requires those relevant state and government agencies to actively increase their international cooperation in the field of HR; however, any cooperation needs to follow these principles: equality; respect for other states' national sovereignty and territorial integrity; and no imposition or interference to others' internal affairs. It is expected that, according

to the Department of Legal Dissemination and Education (Vietnam's Ministry of Justice 2012, p.46), "international cooperation and dialogues [...] create opportunities for the international community to understand more about Vietnam's HR situations". Vietnam hopes that these mutual understandings would help the state to enlist more international supports when it argues against external hostile forces' slanders and distortion about the matters of democracy and HR conditions in Vietnam.

## **5. 'Sovereignty fears' as a determinant factor causing Vietnam to join CAT**

As to fulfill the second objective of the study, this section will examine those pressures that were recognized as sovereignty threats to Vietnam especially in 2013. Secondly, by analyzing the state's core reasons for joining CAT, it will also explain the positive relationship between the role of sovereignty protection and the state decision of joining CAT.

### **5.1 Significant pressures that impact strongly on Vietnam's sovereignty**

In 2013, the most dominant pressures on Vietnam's HR issues came from the United States (U.S.), especially by its legislature organs. Therein, the particular ratifications of the Bill (HR.1897) and the Resolution (HRes.484) criticizing HR situations in Vietnam, together with the suggestion of Bill (HR.1862) requesting the U.S. Government to associate HR with economic cooperation between the two countries, imposed significant pressures and difficulties for current Vietnam's policies of both protecting its sovereignty from external interference, while at the same time, cooperating with U.S. in many other areas, because now they are all "tied with HR issues" (Le 2015).

Specifically, all seventy four U.S. delegations (including members of U.S. Congress, Government, and State Department) that visited Vietnam in 2013 confirmed that the U.S. Congress views HR as an important factor needed for the development of further relationship between the two countries, as a member of U.S. House of Representatives once stated that "before Congress grants [...] any future deal, it should mandate that any such agreement contain explicit [...] and enforceable requirements that counterparties respect the rights of their citizen" (Sanchez 2015, p.353). Furthermore, other activities of which were viewed as interfering Vietnam's domestic HR context included various bilateral dialogues and meetings that requested the alteration of Vietnam's domestic Criminal Law and other related legal provisions, the issuing of regular annual report, and eight declarations particularly in 2013 commenting negatively on HR situations in Vietnam.

During the same period, issues of HR were also emphasized in EU's foreign policies towards Vietnam. Therein, there were an increased number of pressured actions in the field of HR made by EU representatives in Hanoi, with the supports from the G4 countries (Canada, New Zealand, Norway, Switzerland) and Australia that caused Vietnam to believe that these states were U.S.' allies utilizing HR issues to interfere on Vietnam's internal affairs. For example, according to the data provided by the Vietnam's Permanent Office of the Government Steering Board for Human Rights in 2014, some of such activities in 2013 were: the EU Delegation to Vietnam's announcements of



five official messages and three statements from Germany's envoy Markus Loning commenting on domestic HR situation in Vietnam; an EU's joint letter to the Vietnam's Ministry of Foreign Affairs protesting state's implementation of death penalty; and the European Parliament's ratification of the Resolution on Vietnam's Human Rights claiming Vietnam's violation of Article 19 of the International Covenant on Civil and Political Rights. More importantly, the Sweden Embassy in Vietnam via its Raoul Wallenberg Human Rights Institute increased implementing various cooperating projects with some Vietnam's research agencies with an aim to establish an independent national Human Rights agency in Vietnam.

Last but not least, UN's agencies and relevant international Human Rights NGOs also contributed strongly to the increased pressures on Vietnam during that period of time. For example, for the first time, Rupert Colville, the Spokesperson of UN Commissioner for Human Rights, expressed his concerns about Vietnam's HR situation. Moreover, the number of protesting letters from UN to Vietnam on Vietnam increased from eight in 2012 to twelve in 2013. Data from the UN Office of the High Commissioner for Human Rights also shows that in 2013 the UN Working Group on Arbitrary Detention (WGAD) adopted a couple of opinions, which include No.23/2013 (Vietnam) and No.33/2013 (Vietnam), criticizing some arbitrary detention in Vietnam; and on the other hand, UN Women also sent a collection of protesting letters to the Commission on the Status of Women (CSW) which belongs to the Economic and Social Council (ECOSOC) claiming Vietnam's violation of women rights by having torture in prison, etc.

## **5.2 Protecting national sovereignty' as one of the core reasons for Vietnam's decision to join CAT – Discussion & Implication**

In fact, the abovementioned external pressures were rather viewed by Vietnam as sovereignty threats due to their strong interference of the state's internal affairs, than normative pressures for domestic improvement of HR. Importantly, those pressures were particularly strongest and became "unavoidable" in 2013 (P. Hoang, personal communication, January 7, 2016); this required the state to look for an appropriate solution to tackle them. And as directed by the Communist Party's policies determined in the previous section, any answer needs to fulfill both purposes of protecting national sovereignty and actively cooperating with international community in the field of HR. As a result, CAT was chosen because, according to the Vietnam's National Assembly, such ratification is "an important legal ground [...] fighting against hostile forces' slanders and distortion about the torture of persons held in custody, detainees and prisoners aiming to undermine the Vietnamese State" (Committee for Foreign Relations 2014, p.2). The Department of Legal and Administrative-Judicial Procedure Reform (Vietnam's Ministry of Public Security) further describes that this decision also helped "to increase Vietnam's political reputation in the international community" (Vietnam's Ministry of Public Security 2015, p.104); and such attitude "contributed significantly to the Vietnam's successful election to the United Nations Human Rights Council's (UNHRC) for the 2014-2016 tenure" (Vietnam's Ministry of Foreign Affairs, personal communication, January

20, 2016). UNHRC, under the view of Vietnam, is an important international HR forum, as said by Mr. Ha Kim Ngoc, Vice-Minister of Vietnam's Ministry of Foreign Affairs, that "(UNHRC provides Vietnam) better conditions to protect Vietnam's national benefits, (and) promote state image and position to support its foreign relation tasks especially on the field of HR" (Online Newspaper of the Government 2016).

Thus, by the decision to join CAT, Vietnam wanted to prove its strong determination and commitment for ensuring the implementation of international HR standards, which this then helped the state to seek opportunities to present itself at international-level HR forums where it can raise its own voice and perspectives on HR, prove its domestic achievement, and enhance its political image and reputation in the international community. And by being able to do so, Vietnam would have a stronger legal ground allowing it to challenge those external pressures that violate its state sovereignty by utilizing HR issues to interfere on its state's internal affairs.

In fact, during the process of opening up for more comprehensive international cooperation and integration in many areas, as HR also became an attached and unavoidable condition required for further relationship development between Vietnam and its important partners, there was a certain fear influencing strongly by the socialist cognition that the state would be imposed by an inappropriate Western's universal framework of HR where state's internal affairs and national sovereignty would be intervened by outsiders. Obviously such things are against traditional Communist perspectives where they give the state (together with its leading political Party) extensive rights to perform its self-determination on a comprehensive scope of state's national sovereignty and citizen matters, which obviously includes the field of HR. Therefore, the state's ratification of CAT followed by the latter chance allowing state to participate in a reputable international HR forum such as UNHRC can help to limit certain outsiders' criticisms and interference on state's domestic HR issues.

As a result, the case of Vietnam's ratification of CAT has indicated that, under the socialist view, during the recent globalization context where there is greater involvement of international integration and cooperation with many international players, sovereignty fears do not actually come from a particular international HR treaty itself as explained by the sovereignty approach, but rather from the pressures imposed by relevant dominant international actors and non-actors of that particular state with opposing HR views. Under socialist perspective, utilizing HR issues to pressure and interfere on other states' internal affairs are considered as violation of their national sovereignty. In the case of Vietnam, it chose to prevent and/or tackle such sovereignty threats by the decision to ratify one of the important international Civil and Political Rights instruments, the CAT, with an aim to seek international supports for its views and practice of HR at international-level forums, and at the same time, to help limiting criticism and intervention of outsiders in the field of HR. Thus, in this case, the fear of sovereignty violation did not hinder state ratification of international HR treaties; instead, it actually played a positive and constructive role causing the state to quickly ratify international HR instruments.

Moreover, under a socialist regime, the field of HR cannot be detached from state's national sovereignty and its leading Communist regime. The mandates for protecting sovereignty is always considered to be the first priority when a socialist state considers an issue that contains or relates to outside factors, such as matters in the field of HR and its international instruments. Therefore, the sovereignty approach which explains state behavior towards the ratification of international HR treaties is not only still necessary but also important if the study seeks to predict or to understand the behavior of a socialist state. However, it is recommended that the scope of sovereignty approach should not only be limited to the study of specific international HR treaties' effects, but rather be expanded to also cover those potential sovereignty threats caused by relevant international dynamics recognized by that particular state. Thereby, this approach would be more applicable to help explaining the role of sovereignty and its influence on state decision behavior towards the ratification of international HR instruments.

However, there is a limitation on the scope of this research where it is unable to analyze and evaluate more closely on the role of Vietnam's actual expectation of possible tangible and intangible benefits that the state looks forward to receive in exchange for its ratification of CAT, as explained by the reward-based model. Impliedly, there was one clear intangible benefit that this ratification would allow Vietnam to not only enhance its international reputation and image, but also help to confirm the state's improvement of protecting HR. And although there were possible signs (especially shown in those Western states' pressured activities) that such improvement of HR protection would give Vietnam a better position to discuss further relationship building with those important international actors and non-actors for the state's potential development of other economic and security areas, there was no clear data from Vietnam to prove that, without perceiving the need to protect state sovereignty from outsiders' threats in the field of HR, the state's expectation for future benefits alone could be able to directly cause its decision to ratify CAT.

Therefore, by analyzing relevant existing data so far, this paper claims that, in this particular socialist case, sovereignty played a more determinant role, while potential rewards rather played a supportive role, that together they mutually led to state's ratifying decision. Perhaps this comparison needs to be clarified by further research with more proven data on similar cases.

## **6. Conclusion**

To sum up, by analyzing the case of Vietnam's decision behavior to ratify CAT, this paper has clarified that the issue of sovereignty is very important when a socialist state is deciding its behavior towards international Civil and Political Rights treaties. Under socialist regime, pressures from outsiders aiming to influence on another state's domestic situations or conditions of HR are treated as violation of state sovereignty by interfering on its internal affairs; and obviously, they must be prevented or tackled by all necessary means. In the case of Vietnam, its previous decision to ratify CAT is one of those necessary means that helps the state to better confront with such unavoidable pressures to protect its sovereignty in the field of HR. Hence, it is argued that sovereignty fears

do not always come from the particular HR treaty itself, but rather from those relevant external dynamics that the state is involved in; more importantly, such bigger fears of sovereignty violation, instead of having negative impacts, can possibly play a reverse role that positively leads to a quicker state's ratifying decision, such as in the case of Vietnam's ratification of CAT. Lastly, it is recommended that, in order for the sovereignty approach to be more applicable in explaining and predicting state behavior, the scope of this approach should be expanded to also cover and compare those sovereignty impacts caused by state's relevant external dynamics with the ones from the treaty.

(Received 6th May, 2016)

(Accepted 30th July, 2016)

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