

LAW IN THE WAR ON INTERNATIONAL TERRORISM

Edited by Ved P. Nanda

(Transnational Publishers, USA, 2005)

This book is one of the recent publications dealing with terrorism, an actual issue of Public International Law. After the tragic event of 9/11, several seminars, conferences have been held on international terrorism, a lot of papers have been written on this issue from different aspects. This is due to a conference, too, held at the University of Denver's International in 2002 that Ved P. Nanda decided to publish a collection of studies on the law in the war on international terrorism.

In response to the terrorist attacks of September 11, the international community has taken different measures to punish and prevent terrorism. These measures include legal, political, military and economic measures: public diplomacy, intelligence, law enforcement, financial controls, economic sanctions etc. Law enforcement in international, regional or national level means great development to fill the gaps in the legal framework concerning the issue of terrorism, but raises a lot of questions. The initiative of Ved P. Nanda – as it's clear from the introduction of the book - was to give an insightful analysis of the pertinent legal developments in the war against terrorism.

This collection reflects well the multiplicity of the responses to the threat of terrorism: subjects of the 10 studies include the role of international organizations, mainly of the United Nations in the war against terrorism, the lawful and unlawful wars against terrorism, the ways to combat against the nuclear terrorism and also the measures to stop financing terrorism. Apart from the progress in the fight against terrorism, the authors try to highlight the legal problems and controversies of this war: definitional problems of terrorism and the legal consequences of the war against it, the inadequacy of international treaties to meet the challenge of the latest events, the problem of the detention of terrorists and their trial by military tribunals from legal and historical perspective, or the question of human rights raised by the adoption of the USA Patriot Act, which introduces some restrictions on the rights of non-citizens; but also some practical consequences like the question of insurability of terrorism losses.

Distinguished legal scholars teaching at the University of Denver College of Law and practitioners writing on terrorism contributed to examine the threat of terrorism and search for alternatives as responses: they are Luke Andrew Busby, Spencer J. Crona, Claude d'Estree,

Christopher Hardaway, Robert Hardaway, Larry D. Johnson, Péter Kovács, James A.R. Nafziger, Ved P. Nanda, Mary Ellen O'Connell, Neal A. Richardson, Ronald R. Robinson, James Siegesmund.

Although this collection was made three years after September 11 and following other terrorist attacks, the whole book is characterized by the direct impact of 9/11 and focuses on the consequences and changes happened in the American federal law in favour of preventing terrorism and punishing the terrorists. The majority of the authors are Americans, and use a national approach to write about the issue of terrorism by enumerating the possibilities given at domestic level to fight against terrorism and by examining the compatibility of the main acts, statutes, orders and other rules with the international law. However, this mainly national approach doesn't influence the objective and critical aspect of the book: although it emphasizes a lot on domestic law, the studies reflects the common opinion of the authors related to the need for multilateral responses against the terrorism and the necessity to integrate the different tools.

Often said that terrorism is multifaceted and a very complex issue, so several aspects can be used to describe the phenomenon, and to try to find responses to the threat of terrorism. Since September 11, 2001, the number of publications on terrorism is multiplied, but each of them is useful and can add a different perspective of the issue. The advantage of this publication lies in its character of giving a very wide spectrum of the legal responses to terrorism, with dogmatically precise overviews and professional analyses of the most recognised professors and legal experts of the subject. These studies can also help to learn more about the American law and legal system quite different from the European, and contribute to deeply examine some controversies of the war against terrorism.

This book can be useful for all those students, legal scholars or practitioners, who are interested in legal problems of terrorism and want to learn about the measures against it from the view of public international law and American law. At the end of the book readers can find a list of all the primary documents of international law and of the domestic law of the United States, also an index with the most important key words of the issue, which help to go deeply into a concrete problem of terrorism.

Criticizing that it's not a comprehensive work, isn't reasonable: the publication of Professor Vanda gives a very good summary of the recent developments and most relevant problems in the legal framework, but as the war on terrorism continues, obviously other questions will raise and need discussions.

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