

Abstract

This thesis is a study on the Principles and Legal Problems of the International Convention for the Suppression of Acts of Nuclear Terrorism 2005 (hereinafter called the “Convention”). The purpose of this study is on the one hand, to analyze the principles of the Convention and legal problems arising out of its implementation and on the other hand to examine whether Thailand need to enact enabling or implementation legislation in case where Thailand intend to become party to this Convention.

There are many controversial problems in Convention; no explicit definition of “terrorism” although the article 2 provided the meaning of a person who commits an offence; the difficulty to determine the scope of act that constitutes offence; the scope of application of the Convention such as the offence exception and non application of the Convention where the alleged offender is State. Moreover, the problems of the offences which have been committed in the territory of non-state parties, especially those who possess nuclear material or nuclear weapon, are not regulated and constituted the lacunae of this Convention.

However the Convention is considered to be an international agreement that directly laid down the mechanism aiming at the suppression of nuclear terrorism. Thailand must be aware of the danger and threat of nuclear terrorism and should ratify to this Convention (Thailand signed this Convention on September 14, 2005). In the past many conventions concerning anti-terrorism were adopted under auspice of the United Nations and Thailand became party to those conventions without enacting enabling or implementing legislation the relevant because offences were in Thai's Criminal Code, especially an offence of terrorism. Nevertheless, this Convention is different from other United Nations anti-terrorism Conventions because this Convention prescribes specifically the offence of nuclear terrorism. Consequently, the crime of terrorism either in criminal law or Atomic Energy for Peace Act, 2504 B.C. cannot be presented in conformity with this Convention due to the special regime of offence that provided in this

Convention. Therefore if Thailand intends to ratify this Convention amendment of existing domestic law as analyzed and indicated in this thesis is needed.