

Abstract

This thesis aims to explore nuclear weapons issue through the lens of international law in order to introduce possible solutions in 3 areas

(1) Would the claim “self - defence” be the right to use nuclear weapons legitimately ?

(2) How the International Atomic Energy Agency (IAEA) could assume an active role in this concern in order to prevent the use of nuclear weapons ?

(3) What role/direction should Thailand, as a member of international community, play/take with respect to the threat and use of nuclear weapons ?

Accordingly, the examination of nuclear weapons development from pre - WW II period until the present time and possible future tendency is found in the first part of this thesis. This is to reflect that great scale of devastation and destruction caused by nuclear weapons, unmatched by any other weapon available currently may one of the significant reasons why the prevention of the threat to use or the use of nuclear weapons is highly essential. Then, it sheds the light to related historic background and reasons behind the founding of IAEA, one of the specialized organizations of the United Nations. Since the inception, one of the central IAEA roles and missions is to verify the use of nuclear technology for peace. Thus, IAEA Safeguard (based on the approval and cooperation of concerned states), is a key mechanism of IAEA in accessing particular territory of one sovereign state. Additionally, International Court of Justice’s 1996 Advisory Opinion on “Legality of the Threat or Use of nuclear weapons” is also explored in order to reveal the international law’s loophole. Specifically, “self - defence” may likely be claimed by most states as a reason to use nuclear weapons for retaliation purpose. Lastly, certain practical obstacles of IAEA in inspecting nuclear ambitions, especially in North Korea, Iraq and Iran will be discussed to explain why the strengthening of IAEA Safeguard is so crucial.

As a result, it is recommended that the enforceability of international law in this concern should be enhanced by means of suitable manner. Likewise, member states should also adopt Integrated Safeguard to allow more efficient verification and data collection by IAEA nuclear inspectors possible. Indeed, such data would then be translated into more accurate and comprehensive report submitted to UN Security Council. Hence, one could argue that the introduction/draft of Nuclear Weapons Convention may probably be one of the most concrete solutions, especially in light of the promotion of greater international cooperation and the provision of more reliable legal norm and measure in nuclear control and disarmament regime.

In conclusion, the acknowledgement of the significance of nuclear-related issue by all states is also vital. That is to say that, on the one hand, Nuclear Weapon States should take into account the commitment to disarm nuclear weapons in their respective stockpiles. On the other, IAEA and its member states should strengthen its cooperation with non-member states as well. This may aim to prevent one country to enjoy "privilege" in possessing nuclear weapons or in threatening others with this deadly arsenal. Hence, one could say that the responsibility to maintain global peace and security may not be vested solely to the UN or IAEA. Rather, it is belonged to all governments to deal with it collaboratively for the shared benefit of all.