

Legal Measures Necessary for Non-Proliferation of Nuclear Weapons in the ASEAN Community

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Abstract

International law arising in international legal relations, sometimes there are loopholes which cannot be enforced in an effective international way.

Case study on creating legal measures that are necessary for non-proliferation of nuclear weapons in the ASEAN community focusing on the Southeast Asia Nuclear-Weapon-Free Zone Treaty, which the Association of Southeast Asia Nations or ASEAN has established for over 20 years. The importance of this Treaty is, specify the Parties prohibit development, production or acquisition of possession or control over nuclear weapons, and to desire all Southeast Asia free from weapons and all destructive weapons.

Although the Treaty has been signed and ratified by all ASEAN Member States, the five nuclear powers have not accepted the Treaty would make the goal of making the region free from nuclear weapons could not be achieved because of such nuclear powers to be the Parties that bring nuclear weapons into the region. The General Assembly adopted a resolution on the adoption of nuclear weapons free-zones over the years by the Parties' members from all over the world raising their level of recognition, including the nuclear superpower countries do not oppose. Therefore, as a guideline for creating new norms in international practice, which should have legal consequences for the nuclear superpower that has accepted the resolution by consensus, and this consensus may be a channel that leads to legal binding that every superpower and every state must refrain from using nuclear weapons in the region instead of signing or ratifying the Treaty.

Keywords: State Responsibility for Nuclear Power, Southeast Asia Nuclear Free-Zone, Nuclear Superpower, ASEANTOM and United Nations Nuclear Resolution

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Background and Importance of The Problem

Study of nuclear power that has both countless benefits and terribly harmful for the human race, was discovered by Albert Einstein as a German physicist, German Jew, is a scientist who is very famous in the 20th century by proposing the "Theory of Relativity", and participated in the development of Quantum Mechanics, Statistical Mechanics, and Cosmology. Later, he discovered the energy equation that caused the speed of the particles to collide. Scientists have researched this knowledge to find ways to accelerate the speed of the particles collide to speed up the decomposition of the radioactivity, which is called Fission Reactions. But in the first stage, still not aware of how to control and the ongoing impact. Until in December 1938 (B.E. 2481), there was a scientist named Otto Hahn and Fritz Strassmann of the Berlin Institute of Chemistry under the German chemical laboratory, found that when the atomic separation reaction occurred, will cause great potential destruction of nuclear power.

The proof of the military capabilities of a nuclear bomb occurred at the end of World War II. Then, people of the world are aware of the power of energy generated by the real physics nuclear fission processes. When the United States dropped two bombs in Hiroshima and Nagasaki, Japan, because the explosion caused enormous damage to Japan, which led to the unconditional surrender of the war. After World War II in December 1953 (B.E. 2496), President Eisenhower of the United States has been a leader in a peaceful statement to the United Nations Secretary-General about the terrifying secret of nuclear power, especially the formation of hydrogen or atomic bombs with heat that uses nuclear separation, which is not what to stop the development of atomic weapons that will show military power of both superpowers. During the Cold War in the year 1985 (B.E. 2528), President Mikhail Gorbachev became the su-

preme leader of the Russian Federation or the Soviet Union at that time. There are 50,000 nuclear bombs scattered around the world with the equivalent of a powerful blow force, exploding in Hiroshima as well as the weapons that provide heat which can be measured as megaton. Therefore, the condition that was not too terrible to cause fear around the world, in 1960 (B.E.2503), many countries including the Republic of Argentina, Australia, Canada, Republic of the Hellenic (Greek), Republic of Indonesia, Republic of Libya, Kingdom of Norway, Kingdom of Sweden, Confederation of The Swiss, Republic of China (Taiwan), and Republic of Turkey, every country has a project for developing nuclear weapons, in which many countries have possession or know-how to have sufficient industrial basis for creating nuclear weapons. The integration of nuclear potential testing has continued by the Republic of France, the Russian Federation (former the Soviet Union), the United Kingdom, and the United States of America. All four countries have succeeded in testing nuclear weapons, which were mostly tested in the Republic of France in 1960 (B.E.2503). After that, in 1964 (B.E.2507), the People's Republic of China conducted the first nuclear bomb test which has created anxiety for the United States of America and considered that it was appropriate to eliminate nuclear proliferation.

Began the first debate at the United Nations and creating international legal measures to control this matter. The Antarctic Treaty (signed at Washington, December 1, 1959 (B.E.2502) was agreed that this Treaty should be used only for peaceful purposes and prohibit military activities including a special case of a nuclear explosion in the South Pole area. And on August 5, 1963 (B.E.2506), the level of Nuclear Weapons Prohibition Measures was raised by the United Kingdom, the United States of America, the Russian Federation was an initial contracting party to start signing in Moscow, the Russian Federation by

specifying measures to prevent non-nuclear explosions in the atmosphere consisting of outer layers, underwater atmosphere or in other environments if the explosion caused radioactivity to be outside the boundary of the state that limited to test. But the Treaty did not prohibit underground experiments although the Parties have indicated the intent and long-term aim of the Treaty to be a permanent ban on all nuclear experiments including underground experiments. However, this Treaty has not signed by the Republic of French and the People's Republic of China, which are countries with nuclear potential.

In addition, at the regional level, there are other measures, including Treaty on The Exploration and Use of The Outer Atmosphere which was forbidden by the military to test the weapons on the moon and in the sky area, as well as the organized nuclear weapons, and Treaty on The Prohibition of Nuclear Weapons in Latin America and the Caribbean (Mexico City, February 14, 1967 (B.E.2510), Treaty on Banning The Base Emplacement of Nuclear Weapons Under The Sea, Under The Ocean, and Underground (London, Moscow and Washington, February 11, 1971 (B.E.2514), Treaty on The South Pacific Nuclear Weapons Free-Zone (signed at Rarotonga, August 6, 1985 (B.E.2528), and in the year 1995 (B.E.2538) with Treaty on Africa Nuclear Weapons Free-Zone (signed at Pelindaba, June 23, 1995 (B.E.2538), and Treaty on The Southeast Asia Nuclear Weapons Free-Zone (signed at Bangkok, December 1995 (B.E. 2538)². But until now Treaty on The Southeast Asia Nuclear-Weapon-Free Zone has not been endorsed by nuclear superpower countries which remains a problem for this region for a long time.

Moreover, the concern of the world, probably the use of nuclear warfare or terrorism. The countries with nuclear potential that the world community has feared in all five countries, namely the United States of America, the Russian Federation, the United King-

dom, the People's Republic of China, the Republic of France, not wanting to spread nuclear weapons in different regions of the world that may be difficult to control and the war may come easier. When all countries have the ability to possess nuclear weapons, it will allow different regions are nuclear-free-zone with a policy to control the countries in each region of the world without nuclear potential not to accumulate and possess nuclear weapons, not to support the transfer of nuclear technology, not to provide a nuclear test by establishing framework of international agreements in Treaty on Nuclear Non-Proliferation 1968 (B.E.2511) and Treaty on The Completely Prohibition of Nuclear Weapons Experiments, which countries will only carry out nuclear activities in peace-based only.

While having both Treaties, the nuclear superpower countries are also concerned about the nuclear disaster from secretly experimenting, nuclear weapons collection because many countries that do not accept the agreement between the two countries mentioned above. Nuclear superpower countries, therefore, require a Treaty in each region in order to ensure the nuclear superpower that all countries are truly free from nuclear weapons including in Southeast Asia, therefore, the Treaty on The Southeast Asia Nuclear Weapons Free-Zone came up in late 1995 (B.E.2538) in order to be applicable in Southeast Asia countries or current ASEAN members. Issues and the essence of this Treaty, the superpower countries do not accept and ratify the Protocol attached to this Treaty.

Therefore, from research, has found the problem condition of the enforcement of this Treaty as follows:

- 1.This Treaty, the superpower countries do not accept and ratify the Protocol attached to this Treaty. The nuclear superpower countries themselves are intended to use this region as a nu-

clear weapons experimental field. Enforcing the state to lack of nuclear potential accepting the agreement between countries that unfair, non-equality in practice with the countries group in other regions of the world, would cause the ASEAN group to be apprehensive about the nuclear disaster that ASEAN does not make. The rules and regulations of international law do not always bring equality and peace. This issue will affect the stability of the state caused by the use of nuclear materials in the war.

2. The problem of violating the agreement of the nuclear superpower state towards the declaration of military potential of the superpower countries with advanced nuclear technology, causing the development of the maritime power will focus on the capabilities of the nuclear submarine, which is considered a violation of the United Nations Convention on the Law of The Sea 1982 (B.E.2525) with international agreements in the chapter measures to control the nuclear vessel and nuclear materials in Article 23 and, Article 19, 20, 25 (3) of the Sea Law, which provided for the issue of nuclear submarines and nuclear missiles in Treaty on The Southeast Asia Nuclear Weapons Free-Zone, Article 2, to enforce this Treaty should be with the Continental Shelf and the Exclusive Economic Zone of the state.

For this reason, countries in the Southeast Asian region, which have both sea areas of national interest and are the areas of conflict from the dispute over the Spratly Islands, the People's Republic of China and the United States of America, both countries have nuclear submarines and nuclear missiles which the two superpowers wanted to have to influence over other countries in the region. Therefore, creating an artificial island to exploit the People's Republic of China near the disputed areas would inevitably cause more conflicts and ASEAN member countries were afraid of. Therefore, it is something that ASEAN, even though not at war but at the same time, must be a

region that is at risk from nuclear weapons.

3. The problem of lack of The ASEAN Network of Regulatory Bodies on Atomic Energy or ASEANTOM, under the international agreement on peaceful nuclear use, international law constituted by numerous civilizations or by international agreements, which is intended to apply to the States Parties and international organizations, which has the International Atomic Energy Agency, is a regulatory organization regulating countries that use peaceful based nuclear materials, need to follow the policy on nuclear use in all 4 areas: safety, security, protection and liability. From the research, found that the Euratom Organization (Euratom) of the European Community has the potential to regulate the use of nuclear power according to the four principals that are used to control and supervise the Parties member countries that use peaceful based nuclear power by performing in addition to the strict recommendation of The International Atomic Energy Agency, who defines the regulations.

Therefore, in regard to the use of peaceful nuclear power and nuclear warfare, it is related to the State Responsibility which has laid out the principles in the State Responsibility, in Principle 21, Stockholm Declaration, must be inconsistent with the UN Charter and the principles of international law in the use of sovereignty from the use of their own resources in accordance with their own environmental and responsibilities to ensure that the activities within the state jurisdiction or state control will not cause damage to the environment of other states or in areas beyond the scope of the sovereignty of that state.

And in Principle 26 of Stockholm Declaration has said that humans should preserve the environment to be free from the effects of nuclear weapons and other methods of mass destruction weapons. The state must strive to reach an agreement on the international relations involved in the com-

plete elimination and destruction of weapons rapidly caused by damage to the environment resulting from violations of the laws governing the control of that state that which there is no excuse or reason that can be denied, such as the consent of the affected state itself and the damage that must be significant, which depends on the proof and interpretation of how much size will be significant.² These past experiences shows that nuclear accidents caused by the use of peaceful nuclear energy can cause enormous catastrophes to human society, especially when international countries find a way to make their countries take advantage of nuclear power, nuclear materials and radioactive materials, as well as the current world that many people are concerned about the global warming caused by the use of fuel, and still use nuclear power plants in many regions of the world. The creation of liability mechanisms is one of the biggest problems in the use of nuclear power in a peaceful way.

The Member States of the ASEAN community have a project related to the use of nuclear technology would mean the risk of ASEAN Member States. If a disaster arises from nuclear material, legal measures to control and regulate ASEAN Member States that carry out nuclear activities are therefore necessary. ASEAN Member States, in addition, there is an obligation to comply with treaties and conventions in which the Member States have ratified the International Atomic Energy Agency (IAEA) in certain treaties only, which is considered insufficient and does not cover all aspects of disaster prevention measures from activities that use nuclear technology. As in the case of problems with the mechanism of controlling nuclear activities at Fukushima Nuclear Power Plant, Japan that has affected neighboring countries. To prevent danger from international activities which legal measures are considered the most effective measures which the ASEAN community will use to control

the nuclear activities of the Member States.

Scope of research

The main objective of this researcher is to focus on international agreements or international law. In the form of a Treaty. The Nuclear Security Agreement consists of Treaty on The Southeast Asia Nuclear Weapons Free-Zone 1995 (B.E.2538). It is an international agreement of ASEAN that is the main issue of connectivity with The Member States of the Treaty on Non-Proliferation Calling for a review To continuously seek cooperation between states with nuclear weapons 1968 (B.E.2511) and Treaty on The Completely Prohibition of Nuclear Weapons Experiments: in which ASEAN Member States have a commitment to the Treaty on The Southeast Asia Nuclear Weapons Free-Zone 1995 (B.E.2538) and all five nuclear superpower states under the Attachment Protocol which shall be complied with. While the Treaty is not forbidding peaceful use of nuclear energy and related to Treaty on Nuclear Non-Proliferation 1968 (B.E.2511) and Treaty on The Completely Prohibition of Nuclear Weapons Experiments. There is no ban on peaceful nuclear use as well. But the use of peaceful nuclear is necessary to have an international agreement that must be mentioned as well, due to the risk of nuclear disaster if countries in the region not being supervised to follow the principles of the International Atomic Agency. For the reason that the nuclear material itself, is like a double-edged sword, having both countless benefits and terrible harmful, the researcher, therefore, mentioned the safety measures in controlling the peaceful nuclear activities and the state's liability in parallel with the control of nuclear energy in the warfare.

Research findings

From the academican interviewing, the expert with knowledge related to nuclear energy and the group seminars has commented on the legal measures necessary for the non-proliferation of ASEAN weapons as follows:

Creating an ASEAN neutral identity to the need for non-proliferation of nuclear weapons in the ASEAN community, declaration of intention to maintain neutrality after the Indochina War of the five Foreign Ministers, is Indonesia, Malaysia, Philippines, Singapore and Thailand to be free from interference from outside area countries, and there is a need to try to call for certification and respect Southeast Asia as a peace, freedom and neutrality zone. This neutrality means political ideologies involved, which is an additional issue from the traditional neutrality that ASEAN may consider under the current situation without the threat of communism. Dr. Somboon Sangiambut, International Law Academician and Former Diplomat, who understands international problems, has commented that the three most important words are Neutrality. Because it can successfully set up a neutral zone, then, peace and freedom will follow later. The ASEAN integration of peace and freedom with the neutrality is a political policy.

The neutrality that is suitable for ASEAN today. The danger of communism is now no longer available. If re-considering ASEAN neutrality, it should avoid the political ideology involved in the announcement of 1971 (B.E.2514), Because it makes it impossible to set up a neutrality system that all parties have to accept the rights and duties according to reciprocal principle. The neutrality zone in Southeast Asia should, therefore, be a traditional neutrality zone.

The main principle of traditional neutrality is the neutral countries must not be military partners with any country, do not have foreign military bases

in neutral lands, and when the war occurred, prohibiting neutral countries from being involved in fighting or parting with one of the war parties. The principle of neutrality that will be certified by other countries must be a permanent principle. For other countries to trust that the neutrality zone will not be a danger to their own country.

For the nuclear matter, the ASEAN Member States that have ratified the nuclear weapons free-zone may not be neutral. Because while announcing that neutral zone, ASEAN Member States, is the Republic of the Philippines has many US military bases permanently located. In addition, the Southeast Asian Defense Convention of 1954: which is a military alliance Treaty that is contrary to the principle of neutrality and the ASEAN Member States is the Kingdom of Thailand and the Republic of the Philippines still not terminate the participation. If there is only the SEATO Office was abolished in 1977 by the policy of President Nixon of the United States announced the withdrawal from the Republic of Vietnam that the United States will not be involved in problems on the Asian land.

Therefore, the announcement of the United States of America to withdraw from this region by the internal cause of the United States itself that the American people do not want to involved with the warfare anymore, not caused by withdrawal due to respect for the principles of ASEAN neutrality.

During the war of the Kingdom of Cambodia, The United Nations has declared the importance of establishing a neutrality zone in Southeast Asia to reduce international tension and creating sustainable peace in the UN General Assembly Resolution 37/6 on the situation in the Kingdom of Cambodia, Prologue paragraph 11-12 as follows: The General Assembly, Convinced that, to bring about durable peace in South-East Asia, there is an urgent need for a comprehensive political solution to the Kampuchean

an problem which will provide for the withdrawal of all foreign forces and ensure respect for the sovereignty, independence, territorial integrity and neutral and non-aligned status of Kampuchea, as well as the right of the Kampuchean people to self-determination free from outside interference,

The General Assembly, Convinced further that, after the comprehensive political settlement of the Kampuchean question through peaceful means, the countries of the South-East Asian region could pursue efforts to establish a zone of peace, freedom, and neutrality in South-East Asia so as to lessen international tensions and to achieve lasting peace in the region,

And from the situation, since the Cambodian war ended, ASEAN has not yet taken advantage of neutrality principles to create stability and security in Southeast Asia according to the UN General Assembly Resolution 37/6, which had hoped that Southeast Asian countries would try to set up a peace, freedom, and neutrality zone to reduce tensions and create sustainable peace in the region.

Conclusion

The Member States of the Treaty on Non-Proliferation of Nuclear Weapons calling for a review to continuously seek cooperation between the nuclear weapons states to formulate a preventive approach to a nuclear-free state will not seek and decided to produce nuclear weapons, which is very necessary to have nuclear materials used for war in self-defense. But it is a very contradiction to the nuclear theory aimed at peace, not war, which the principle of peace is "NO FIRST USED" should not be used or occurred. If this happens, reacting with nuclear is inevitable. But having these nuclear materials is very necessary, therefore need to be controlled from all over the world. A preventive approach is very necessary to determine whether or not to have these

nuclear materials for peaceful purposes other than the actual war according to the intention that the country has expressed, which will inhibit nuclear use with hidden objectives.

Therefore, the ASEAN community has taken measures in the form of approach for having a centralized regional control organization closely in the matter of peaceful nuclear use. Therefore appearing in the form of a cooperative organization, namely "ASEANTOM," similar to "EURATOM" of the community.

The researchers noted that although the Treaty on Southeast Asia Nuclear Weapon Free-Zone that cannot force the nuclear superpower states to accept and some Parties Member States did not follow the obligations, therefore, this Treaty has no way of achieving this regional defense. Using Self-Defense principles that apply to nuclear matters, is a very difficult action because using missiles to fight missiles would mean all destruction. Therefore. in the future ASEAN countries have higher potential, providing submarines with nuclear technology and installing nuclear missiles to prevent all parties who have violated ASEAN sovereignty as well. For that reason, this Treaty, therefore, requires the nuclear superpower countries and ASEAN to realize their international obligations that all countries need to respect in the international rules that have called for an agreement or Treaty to be a tool for controlling international rules.

Establishing international measures to maintain the security of the ASEAN states security is something that can be done, with a nuclear superpower country must accept and respect for rules according to international legal relations principles, which has jointly founded the North State Organization (Supra Nation). That means every country must accept the rules that have been certified by the North State Organization (Supra Nation) even though it is

a superpower country group who have a role in the North State Organization (Supra Nation). Otherwise, There is no respect for the North State Organization by the Member States, and transgressions will occur throughout all region of the world.

According to a study on the legal measures that are necessary for non-proliferation of the ASEAN community, researcher, therefore is considered that the acceptance to follow the resolution as a Treaty in the international way as well.

In the past 20 years, since the Nuclear Weapon State and the ASEAN Member States have a major Treaty without signing the protocol, has tried to negotiate and develop general strategic environment principles, may lead to significant changes for the ASEAN country group to reach the South East Asia Nuclear Weapon Free-Zone Agreement, which is an expectation of an international Treaty to prohibit the spread of nuclear weapons into the ASEAN boundary established from the Principle of Neutrality. And one thing that the world community is interested in and encourages to create a truly unarmed zone comes from the United Nations. It is a new pressure for nuclear superpower country members that may sign the Protocol in the future. That was, on 27 October 2016 (B.E.2559) the first convention of the General Assembly of the United Nations resolved to conduct negotiations in 2017 (B.E.2560) regarding the Treaty with nuclear weapons illegally. Most of the 123 United Nations Member States voted in favor of a resolution approved by the Legislature on December 23, 2016 (B.E.2559) to accept and endorse ASEAN as a true nuclear-free zone and has been set in March, June and July 2017 (B.E.2560), has negotiated and pressured the Nuclear Weapon States seriously. If the negotiations in 2017 (B.E.2560) have ended, there is no signing of this protocol in international treaties to prohibit the spread of nuclear weapons will make the nuclear power states and countries in

ASEAN could not find a very different conclusion. The purpose of the significant negotiation of this Treaty, if achieved, it will create a symbol to announce that using of nuclear weapons is an illegal act, and has shown the fact that nuclear superpower state will still have and use their nuclear weapons. But it may make it more difficult to enter the sovereign territory of ASEAN countries by the transportation of nuclear weapons vessels and aircraft through the territorial waters and Exclusive Economic Zone (EEZ) economic zones. If a nuclear superpower will take any actions, would have to concern about the potential of the limitations of treaties and protocols about the vessel movement and aircraft with nuclear weapons within this territory. This restriction will increase over time because nuclear weapons are illegal and denounced at the national level. Under such circumstances, ASEAN countries are less likely to compromise in reducing restrictions because they are countries without nuclear potential and not a nuclear superpower. The researchers viewed that there is less possibility that the nuclear superpowers will sign because of many factors in the South China Sea, and the Korean peninsula has not been resolved. When viewed in the international law dimension, to establish legal measures for the superpower to accept, it is necessary to have a written signature in the Treaty? The General Assembly of the United Nations has issued the United Nations General Assembly resolution 3472 B (1975), which is the guidance and principle of establishing a nuclear weapons free-zone in each region of the world, which shows that by itself, it is not the principle of international law, as the only principle that leads to the international agreements in the form of treaties. Can be compared in case studies regarding the decision of the World Court and the Unilateral Act of State as follows: The ICJ described the state's unilateral actions as means an intention in a particular subject that may be related to a legal situation

or facts in a particular subject which the single declaration may cause legal binding in regard to nuclear weapons as follows: In this issue, the International Court of Justice in the nuclear weapons experiment said "The principle of honesty, not only is the significant legal principle of the Treaty law, but it is still the law of the unilateral act of the state.", which the unilateral act of the state by itself is not the international law, but is only the source of international obligations causing a binding state in the law.

Regarding the certification of this Southeast Asian nuclear weapons free-zone that many nations endorsed and supported the General Assembly of the United Nations and the United Nations has repeatedly endorsed the resolution. The resolution is, therefore considered an international act that may be customary between countries. And in case studies as the International Court of Justice has commented that "Legality of the Threat and Use of Nuclear Weapons" can establish a state obligation to ensure that activities performed in their jurisdiction and control still respect the environment of other states or the environment of the territory that is outside their state control area. At present, it is international environmental law."

Therefore, in the Southeast Asian nuclear weapons free-zone, although the nuclear superpower does not endorse the protocol attached to the Treaty and ratify it. The worldwide establishment of an international organization to solve the problem of managing interstates problems, and between regions and states, between organizations, under the supervision of international organizations. Certification of a resolution by consensus means that no country opposes, should have the effect of expressing the political will of the world community in a particular matter. In this case, is to promote Southeast Asian Region as a nuclear free-zone. And when it is continuously certified

for a period of time, it may result in this resolution reflect the Norm of international law, in particular, the adoption of the international community which includes nuclear superpower countries, that region should be a nuclear free-zone, which is equal to a certain degree of legal binding without the necessity of signing in the Protocol to certify or respect the principle of the Treaty on Southeast Asian Nuclear Weapons Free-Zone (SEANWFZ).

Voting in the United Nations General Assembly is an important way for Member States to express their concerns about the nuclear situation. Although the resolution received from the General Assembly of the United Nations is not an international law immediately, but the adoption of international resolutions in support of voting is considered as a practice that the state will continue to hold. That is State-Practice, which has a higher standard level than the general practice, also known as Norm. At the point of acceptance without objection, that is, by itself, will be elevated to the equivalent of customary internationally. And finally, it must be an international law that is applicable in an international way to all activities in the international society that require certain Member States to be subject to rules of security and safety for the international community in joint pressure to establish measures that lead to the enforcement to prevent future incidents with the United Nations Member States.

Suggestion

To complete the goal of this world without nuclear weapons as the world community anticipated in 2025 (B.E. 2568), it would not be easy to achieve the goal set. If not, the importance and need to act on these things by all states parties and the centralized control organization is the International Atomic Energy Agency, that is.

1. Identify the importance and need for the signing and approval of Member States that does not accept this subject by not allow for delaying and without conditions, and in accordance with the constitution process in order to achieve the goal of entering into a joint enforcement of the Treaty on Nuclear Non-Proliferation and the Treaty on Nuclear Weapons Free-Zone in each region until achieving the goal of a complete nuclear weapons ban.

2. Non-discrimination by multilateral and international in disarmament with the Treaty on forbidding the production of nuclear explosive materials to use in nuclear weapons production or any device that has a nuclear explosion.

3. The ASEAN Community should accelerate the establishment of a concrete ASEANTOM to supervise the use of peaceful nuclear energy as a necessity at present. Because some ASEAN member countries are in the process of introducing nuclear energy use and some countries are in the form of the feasibility study. The ASEANTOM must act to solve the problem. Including establishing measures to prevent nuclear accidents before going on and damage to humanity and property. Should be formed similar to the EURATOM. That is, there must be strict rules and regulations for strict control and inspection rather than following the recommendations of the International Atomic Energy Agency (IAEA).

4. The ASEAN community should establish ASEANTOM to be effective, which is necessary to control nuclear matters which can be done by the majority. It does not need to use consensus principles in the ASEANTOM establishment and should be a supranational organization as well as EURATOM.

5. ASEAN member countries themselves must be strictly and maintain a state of neutrality. Do not let the violation itself by allowing nuclear superpower to set up a nuclear base or allowing nuclear sub-

marines to enter the sovereignty of ASEAN by negligent omission.

Bibliography

Nittaya Suparit. Nuclear Non-Proliferation Treaty and the Agreement on Security Protection and Nuclear Materials of Thailand Part 2. Bangkok: Office of Atoms for Peace, 2004.

Pornchai Danwivat. International Trade and Environmental Law. 2nd edition, Bangkok: Winyoochon Publishers, 2008.

Ratanaphon Chobplog. The list of Important Scientists. Bangkok: Ministry of Science and Office of Atoms for Peace Technology, 2010.

Wichitwong Na Pomphet. Economic, 1st edition. Bangkok: Saengdao Publishers, 2013.

Somboon Sengiambut, Balance Field of Power. 1st Edition, Bangkok: Publishing Development Co., Ltd., 2015.

Office of Atoms for Peace Ministry of Science. Nuclear Vocabularies. Bangkok: Office of Atoms for Peace, 2004.

Office of Atoms for Peace Ministry of Science. Prevention of Radiation Hazards Level 1. Bangkok: Office of Atoms for Peace, 2004.

Office of Atoms for Peace, 2002. Radioactive Waste from Nuclear Power Plants. Bangkok: Office Atomic for Peace, 2007.

Surin Pitsuwan. ASEAN Known Get Advantage 4th Edition, Bangkok: Amarin Publishing, 2012.

Josef Goldblatt "Ban on Nuclear Weapon Proliferation in light of International Law", Nuclear The proliferation and International Security, Published in The United States and Canada., 2007

A state of war is the situation when two or more states are at war with each other, with or without a real armed conflict [Online]. Avail-

able URL: <http://en>.

Asia's Nuclear Energy Growth [Online]. Available URL: <http://www.world-nuclear.org>, 2009 (September 22).

Chernobyl's Legacy : Health, Environmental and Socio-Economic Impacts and Recommendations to the Governments of Belarus, the Russian Federation and Ukraine, The Chernobyl Forum: 2003-2005, 2nd Revised Version. Daniel Barstow, International Law Commission's Study of International Liability for Non Prohibited Acts as It Relates to the Developing States, The; Magraw, 61 Wash. L. Rev., 1986. International Atomic Energy Agency "Safeguards and Security," Handbook on Nuclear Law, Vienna, Austria, P.258.

Josef Goldblatt "Ban on Nuclear Weapon Proliferation in light of International Law " Nuclear Proliferation and International Security, Published in The United States and Canada, 2007. http://www-pub.iaea.org/MTCD/publications/PDF/Pub1160_web.pdf page 130, (found on 10 June, 2560)

Philippine Daily Inquirer Asia News Network, Manila "China May Be Deploying Nuclear Weapons in SC Sea", (Found on 20 October, 2018.) Paraphrased from Declaration of the United Nations Conference on the Human Environment Principle 26