State Practice of Asian Countries in International Law

Thailand

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TREATIES – AGREEMENTS CONCURRED BY THAILAND IN 2018 – INTERNATIONAL AGREEMENTS ON PEACEFUL USE OF NUCLEAR ENERGY

In 2018, Thailand became a party to four key international agreements on the peaceful use of nuclear energy. This includes the Convention on the Physical Protection of Nuclear Material; the Amendment to the Convention on the Physical Protection of Nuclear Material; the Convention on Nuclear Safety; and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, respectively.

On June 19, 2018, the country acceded to the Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment to the Convention on the Physical Protection of Nuclear Material (Amendment). These two main conventions entered into force for Thailand on July 19, 2018. To be a party to the CPPNM and its Amendment demonstrates that Thailand has committed to strengthening nuclear security in the country and also promoting international cooperation in this respect.

Subsequently, on July 3, 2018, Thailand acceded to another two key conventions: the Convention on Nuclear Safety (CNS) and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention). Both conventions have been effective for Thailand since October 1, 2018. The accession to the CNS and the Joint Convention proves the country's strong commitment to the safety of its nuclear facilities, installations, and operations.

According to the series of those conventions, the peaceful use of nuclear energy constitutes the use of nuclear energy for research and development for the sake of making technological advances that can be applied to various fields, such as agriculture, public health, and the environment. These advances

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can contribute to raising people's quality of life, adding more value to their business endeavors, and driving progress in industry and other related sectors.

As a member of the international community, Thailand has always cooperated with other countries to establish the standards of control for the peaceful use of nuclear energy that is transparent, effective, and truly ensure peaceful benefits.

TREATIES – AGREEMENTS CONCURRED BY THAILAND IN 2018 – LABOUR'S RIGHTS – ILO FORCED LABOUR PROTOCOL OF 2014

Thailand has ratified a number of the International Labour Organisation (ILO) Conventions in recent decades. This reflects the view of the country to ensuring worker rights and safety.

On June 4, 2018, Thailand has ratified to the Protocol of 2014 to the Forced Labour Convention of the International Labour Organisation (ILO). The Protocol adopted by an overwhelming majority by the International Labour Conference in 2014, reinforces the international legal framework for combating all forms of forced labor, including trafficking in persons, and calls on states parties to take measures to prevent and suppress forced labor, create significant penalties for violators, implement and enforce the policies, and protect victims and ensure their access to remedies and compensation.

Regarding this, Thailand is the 24th country to ratify and the first country in Asia to ratify the ILO Forced Labor Protocol. The ratification of the Protocol of the country demonstrates the Government's commitment to improving and aligning its national legislative framework with international labor standards to ensure the elimination of forced labor and further guarantee decent employment opportunities for all workers in Thailand.

TREATIES – AGREEMENTS CONCURRED BY THAILAND IN 2018 – BANNING OF NUCLEAR EXPLOSIONS – COMPREHENSIVE NUCLEAR-TEST-BAN TREATY OF 1996

Thailand has become a party to the Comprehensive Nuclear-Test-Ban Treaty of 1996 (CTBT) on September 25, 2018. This demonstrates the commitment of the country to banning all nuclear explosions, for both civilian and military purposes, in all environments.

The CTBT requires each state party to undertake not to carry out any nuclear weapon test explosion or any other nuclear explosion, to prohibit and prevent

any such nuclear explosion at any place under its jurisdiction or control, and to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion. To comply with this, each state party is under an obligation to establish the Comprehensive Nuclear-Test-Ban Treaty Organization to achieve the object and purpose of the CTBT, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among states parties.

**TREATIES – AGREEMENTS CONCURRED BY THAILAND IN
2018 – WAR AND ARMED CONFLICT – PROTECTION OF THE
OPERATION OF THE COMPREHENSIVE NUCLEAR-TEST-BAN
TREATY ORGANIZATION ACT, B.E. 2561 (2018)**

Thailand signed the Comprehensive Nuclear-Test-Ban Treaty of 1996 (CTBT) and since November 12, 1996, it requires member countries to enact the law on the protection of the operation of the Comprehensive Nuclear-Test-Ban Treaty Organization (Organization).

On July 25, 2018, the National Legislative Assembly of Thailand enacted the Protection of the Operation of the Comprehensive Nuclear-Test-Ban Treaty Organization Act, B.E. 2561 (2018). The main purpose of this Act is to provide legal status of the Organisation under Thai law and necessary privileges and immunities will be extended to such an organization and persons who perform an operation related to such Organization for enhancing its operation within areas, jurisdiction and control of member countries. This law became effective on July 28, 2018.

This Act defines the terms of ‘Treaty’ and ‘Organization’ in Section 3 and ensures the interests of protecting the operation of the Organization in Thailand. The Organization is recognized as a juristic person and be deemed to have a domicile in Thailand (Section 4(1)). In addition, the Organization, delegates of States Parties, together with their alternates and advisers, delegates of State Parties being representatives of members elected to the Executive Council, together with their alternates and advisers, Director-General, inspectors, inspection assistants, members of the staff of the Organization and observers, as well as the living quarters, office premises, papers, correspondence, records, samples and equipment approved by the Conference of the states parties, of the inspection team shall be accorded privileges and immunities as set forth in the Treaty and the Protocol thereto, only to the extent of the provisions thereof which are accepted and applied by the Government, and an

agreement that the Government may further conclude with the Organization, during the performance of duties in Thailand or the entry into Thailand to perform duties or in performing missions in connection with the Organization (Section 4(2)).

**HUMAN RIGHTS – CONFLICT OF LAWS – LGBT RIGHTS –
SAME-SEX CIVIL PARTNERSHIP – RECOGNITION OF FOREIGN
CIVIL PARTNERSHIP**

Chatwut Wangwon [Court of Appeal, Black Case No. 1017/2561, Red Case No. 18776/2561, December 27, 2018]

The claimant, Mr. Chatwut Wangwon, filed his claim, seeking a court order appointing him to be in charge of the estate of his deceased partner, a British national. The claimant and his partner, a same-sex couple registered a civil partnership under English law at a British embassy in Hanoi, Vietnam.

In order to determine whether the claimant could be in charge of the estate, the Court needed to consider whether the civil partnership status between the two same-sex individuals under the British Civil Partnership Act 2004 is valid under the laws of Thailand. In this regard, the recognition of this civil partnership status must be not contravene the public order or good morals recognized under the laws of Thailand.

Later, the Court of the First Instance rejected the claim filed by the claimant on the ground that Thailand does not recognize same-sex marriage and therefore the same-sex civil partnership registration could not be treated as a legal marriage under Thai law which is only reserved for a man and a woman according to article 1435 of the Civil and Commercial Code of Thailand. The claimant appealed the judgment of the Court of the First Instance. The Court of Appeal was to determine whether the civil partnership registration is valid under the Act of Conflict of Laws B.E. 2481.

On December 27, 2018, the Court of Appeal, with the resolution passed at its General Assembly, delivered its judgment, ruling that the registration of a same-sex civil partnership was not contrary to the public order and good morals of Thailand under Section 5 of the Act of Conflict of Law B.E. 2481.

The Court further stated that the registration of a civil partnership between the same-sex couple was recognized under the Universal Declaration of Human Rights that all human beings could not be discriminated against on the ground of sex. Moreover, the Constitution of the Kingdom of Thailand B.E. 2017 also recognizes that human dignity, rights, and liberties and equality of the people

shall be protected and all persons are equal before the law accordance with the provisions of Sections 4 and 27 of the 2017 Constitution.

With this regard, the Court further stated that the application of the foreign law that provides for a same-sex couple to share their lives without prejudice or unfair treatment on the ground of sex by birth is in line with the Universal Declaration of Human Rights and core human rights treaties to which Thailand is a party. Also, the Court ruled that such an application of foreign law is in line with Section 4 and Section 27 of the Constitution of Thailand.