

**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE STRENGTHENING CAPACITY  
FOR ENVIRONMENTAL LAW IN THE ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL LAW  
CHAMPIONS TRAIN-THE-TEACHERS PROGRAM**

**19 - 23 June 2017**

**Chiang Mai, Thailand**

**Session 11**

**INTERNATIONAL ENVIRONMENTAL LAW:**

**The Process of Ratification of International Treaties in the Thailand**

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# Conclusion of treaties

## Negotiation

- Bilateral
- Multilateral



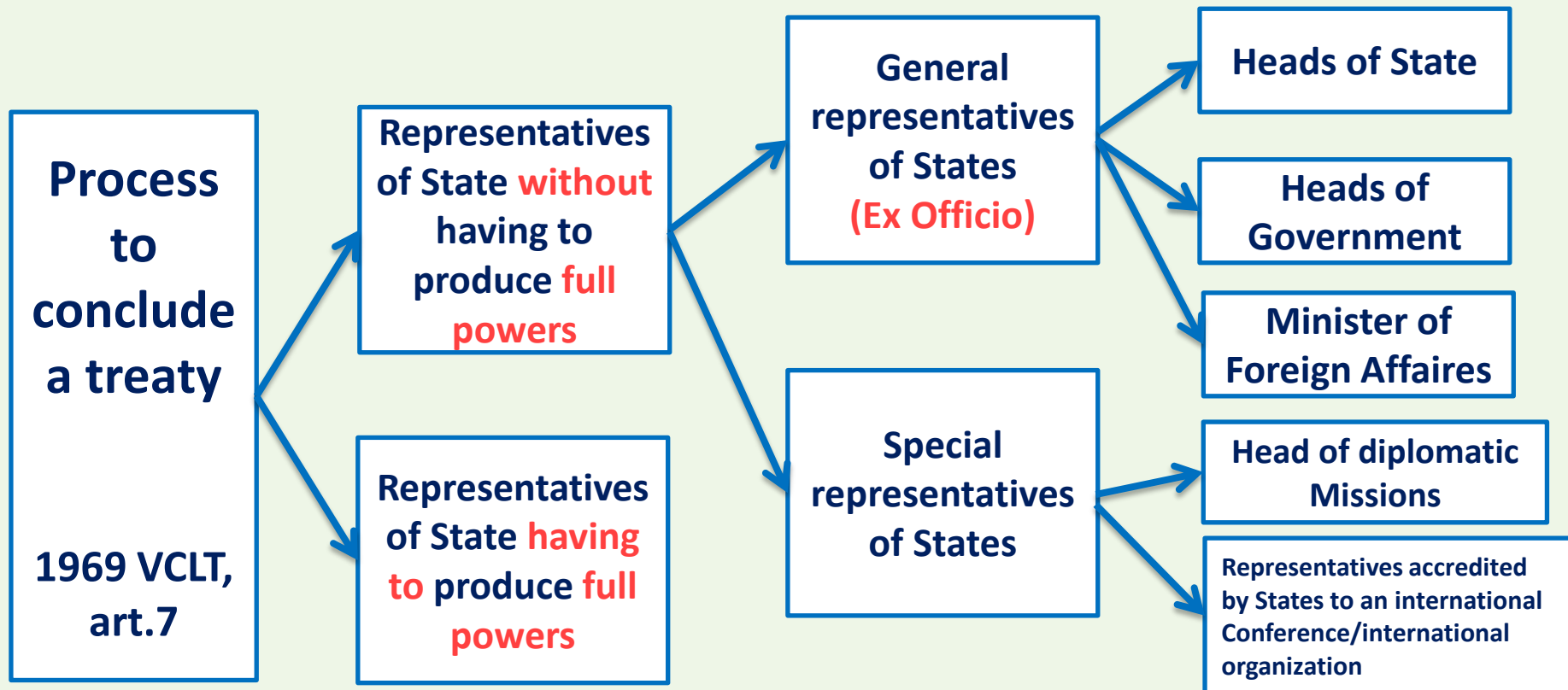
- **Adoption of the text of treaty**
- **Authentication of the text of a treaty**
- **Consent to be bound** (signature, exchange of instruments constituting a treaty, **ratification**, acceptance, approval, and accession)



**Entry into force**



## Representatives of a State to conclude a treaty



# Power to conclude a treaty in Constitution of Thailand, 2017 (B.E. 2560)

- The King has a power to conclude any treaties with other countries or international organizations.
- In our system **the King as Head of the State** shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of the Constitution. (Article 3, para.2)
- For Thailand, the Department of Treaties and Legal Affairs is the main government agency that gives legal advice to the Thai government.



## Two Types of treaties in Constitution of Thailand, 2017 (B.E. 2560)

- A treaty shall be approved by the National Assembly before the representative of State conclude the treaty. (Art.178, para. 2-3)
- A treaty shall conclude without getting it approved. (Art.178, para. 1)



# A treaty shall be approved by the National Assembly before concluding the treaty.

1. A treaty which provides for a change in the Thai territories.
2. A treaty which provides for a change in the external territory under the sovereignty or jurisdiction of Thailand according to a treaty or an international law.
3. A treaty that requires the enactment of an Act for the implementation of the treaty.
4. Other treaties which may constitute immense impact on the economic or social security or the trade or investment of the country.

(Thailand's Constitution 2017, Art.178, para.2)



# 1. A treaty which provides for a change in the Thai territories.

## Thai territories concludes

- land territory
- internal waters
- territorial sea (12 nautical miles from baselines)
- air space
- sea-bed
- subsoil



## 2. A treaty which provides for a change in the external territory under the sovereignty or jurisdiction of Thailand according to a treaty or an international law.

- Exclusive economic zone (EEZ)
- Continental shelf





### 3. A treaty that requires the enactment of an Act for the implementation of the treaty.

- A treaty requires the **enactment of new Act.**

CITES – – > enacted Ivory Act, 2015

- A treaty requires the **amendment or modification of domestic laws according to the treaty.**

CITES – – > amendment of Plant Varieties Act 1992, Wildlife Preservation and Protection Act 1992

- A treaty requires **revocation of domestic laws which are in conflict with the treaty.**



## 4. Other treaties which may have immense impact on the economic or social security or the trade or investment of the country.

include the treaties relating to

- Free trade;
- Joint customs area;
- Permitting the utilization of natural resources;
- Resulting in the loss of rights of the State in natural resources, wholly or partly; or
- other treaties as provided by law.

(Thailand's constitution 2017, art.178 para.3)



## 4. Other treaties which may have immense impact on the economic or social security or the trade or investment of the country.

### Public participation in the treaty under the Thailand's Constitution 2017, art.178, para.3

“There shall be a law prescribing the procedure for people to participate by expressing their opinions and to be provided with necessary remedy for the impact of the conclusion the treaties under Paragraph Three.” (art.178, para.4)



# Timeline to approve a treaty by the National Assembly

- The National Assembly **must complete** its consideration **within sixty days (60 days)** as from the date of receipt of such treaty.
- If the National Assembly **fails to complete** within the specified period, it **shall be deemed** that the National Assembly **has approved such treaty.**
- (Thailand's constitution 2017, art.178 para.2)



# Power of the Constitutional Court to interpret and apply a treaty

- When a question arises whether or not any treaty falls under Paragraph Two or Paragraph Three, the **Council of Ministers** may request the **Constitutional Court** to decide thereon. In such case, the Constitutional Court shall conclude its decision within thirty days (30 days) as from the date of receipt of the request.
- (Thailand's constitution 2017, art.178 para.5)



# Power of the Constitutional Court to interpret and apply a treaty

- Constitutional Court's decision no.11/2542 (1999)
- Constitutional Court's decision no.33/2543 (2000)
- Constitutional Court's decision no.6-7/2551 (2008)





Thank you.

