



COMPILATION OF CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON TREATY PRACTICE OF THE KINGDOM OF THAILAND

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IMPORTANT NOTES

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This document was last amended in December 2012.

Constitution of the Kingdom of Thailand, B.E. 2550 (2007)

[Extracts of relevant provisions]

...

Section 190:

The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organisations.

A treaty which provides for a change in the Thai territories or extraterritorial areas over which Thailand has sovereign rights or has jurisdiction in accordance therewith or in accordance with international law or requires the enactment of an Act for the implementation thereof or has extensive impacts on national economic or social security or generates material commitments in trade, investment or budgets of the country, must be approved by the National Assembly. For this purpose, the National Assembly shall complete its consideration within sixty days as from the receipt of such matter.

Prior to taking steps in concluding a treaty with other countries or international organisations under paragraph two, the Council of Ministers shall provide information and cause to be conducted public hearings and shall give the National Assembly explanations on such treaty. For this purpose, the Council of Ministers shall submit to the National Assembly a framework for negotiations for approval.

When the treaty under paragraph two has been signed, the Council of Ministers shall, prior to the declaration of intention to be bound thereby, make details thereof publicly accessible and, in the case where the implementation of such treaty has impacts on the public or operators of small- or medium-sized enterprises, the Council of Ministers shall take steps in rectifying or remedying the impacts suffered by aggrieved persons in an expeditious, appropriate and fair manner.

There shall be the law on the determination of procedures and methods for the conclusion of treaties having extensive impacts on national economic or social security or generating material commitments in trade or investment and the rectification and remedying of impacts suffered by persons in consequence of the implementation of such treaties, having regard to justice to persons benefited and

persons aggrieved by the implementation thereof as well as to general members of the public.

In the case where there arises a problematic issue under paragraph two, the power to make the determination thereon shall be vested in the Constitutional Court and, for this purpose, the provisions of section 154 (1) shall apply *mutatis mutandis* to the referral of the matter to the Constitutional Court.

Note:

- The full text of the Constitution of the Kingdom of Thailand both in its original language and English can be accessed on the official website of the Senate of Thailand at:

http://www.senate.go.th/index-of-parliament/pages/index_constitutions_thailand.htm

http://www.senate.go.th/th_senate/English/constitution2007.pdf

- The law on the determination of procedures and methods for the conclusion of treaties referred to in the fifth paragraph of Section 190 of the 2007 Constitution has yet to be enacted.