

Independent Study Title : Problems on Law Concerning Carriage of Goods by Air in Thailand
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ABSTRACT

Thailand has become a major center of regional carriage of goods by air for quite some time. But during those years Thailand did not have any specific laws governing disputes arising from the carriage of goods by air. The Thai court applied the Thai Civil and Commercial Code Title VIII, under “Carriage”, as the applicable law. However, the main purpose of Thai Civil and Commercial Code regarding the carriage is to deal with carriage of goods by land and because it was not meant to deal with disputes arising from carriage of goods by other means, its application causes problems to cases involving carriage of goods by air both domestically and internationally.

The absence of specific laws governing the carriage of goods by air has been a concern for a long period.

As the demand of transportation by air has increased, relevant parties have tried to solve the problems by borrowing certain provisions from the Warsaw system instruments such as by including the Warsaw Condition in Air way bills. Although, such international provisions as appear in air way bill are used in Thailand, Thailand never became a contracting party to any international convention or international protocol concerning the carriage of goods by air. But today, Thailand has become a signatory to the Montreal Convention s 1999. Therefore, Thai relevant authorities are in the process of drafting the carriage by air act in order to implement such international convention as a domestic law of Thailand.

The draft should help to solve many problems both domestically and internationally concerning carriage of goods by air before the Thai courts

Therefore, by applying the international regime into domestic law, the court should be able to maintain the consistency of carriage of goods by air law.

This should reassure those stakeholders in the international community during with carriage of goods by air that problems that had arisen in the Thai courts dealing the absence of specific law on carriage of goods by air will now be remedied. It would also reassure that legal disputes in this nature will now be addressed with international legal standard to help enhance the role of Thailand as a major center for carriage of goods in the region.

