

Thesis Title	:	Secrecy in Arbitration Procedure	
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ABSTRACT

The secrecy, or confidentiality, protection is the material principle to ensure the parties to access the dispute settlement of arbitration. Due to maintaining such secrecy, the arbitration procedure can not be disclosed to public, so called the privacy of hearings. Consequently, persons who enjoy the rights on the proceedings are merely parties and concerning persons, for instant, lawyers, counselors and witnesses. However, the relating laws on secrecy protection of arbitration are not adequate. This thesis aims to study on the scope of the secrecy protection of arbitration procedure for benefits of the academic and practicable guidelines to arbitration proceedings.

According to the study of laws, rules, regulations and code of ethics on secrecy protection of arbitration procedure in foreign countries, it has been found that the concerning persons of arbitration procedure in such foreign countries that expressly impose secrecy protection of arbitration in legal provisions, rules, regulations or code of ethics are capable to efficiently understand the arbitration proceedings. Because such persons can explicitly realize what facts shall be preserved and who shall be responsible for secrecy protection in arbitration procedure. Moreover, the placement of secrecy protection in arbitration procedure is to ensure other countries to access the dispute settlement of arbitration in such countries.

Therefore, the suggestion from this thesis is to amend the Arbitration Act of B.E 2545. Due to clarifying of the provision, there are 2 aspects, as follows; firstly, what subject shall be preserved and who shall be responsible for secrecy protection in arbitration procedure. In the other word, the duty of the concerning persons in arbitration such as arbitrators, officials, parties, agents of parties, hearsay and expert witnesses or counselors in arbitration to maintain the privacy of any information in arbitration procedure shall be imposed ,except there are the provisions that have been authorized or parties agree to do so. Secondly, although the arbitration awards shall be protected in privacy, such information might be disclosed if it has been approved by every concerning party according to the principle that any dispute settlement of arbitration and any concerning person shall enjoy the secrecy protection. Even if the arbitrator is not set forth by the institution of arbitration or accesses to such institution but there is no regulation on secrecy protection, the arbitrator shall also be responsible for secrecy protection by law.