

Independent Study Paper Title : The Impact of the Bill for Amending Section 15  
of Arbitration Act B.E. 2545

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## ABSTRACT

The objective of this research is to focus on the new draft of Arbitration Act B.E. 2552, proposed to the government to restrict the use of arbitration in all types of contracts between a governmental organization and a private entity. The inclusion of an arbitration agreement in any contract with Thai Government remains subject to the cabinet approval on a case by case basis. Although Thai government has lost in several cases on construction and infrastructure investment and leading to the large monetary awards, but to be resolve such lost by object to arbitration in government contracts might constitute negative effects more than advantages.

It is found that amending Section 15 of the Arbitration Act B.E. 2545 conflicts with treaty obligation that Thailand has signed with other countries as well as domestic legislation. This effects the negotiation for further bilateral investment treaties and investment atmosphere.

It is recommended that there should set a committee of specialists to specify way to administrate the contract or draft the contract in order to correct any defect that might so into in the contract. In addition, this aims at setting up a better optional process with emphasizing on expertise and education in order to avoid the shackle of putting its own lawyer alone, the public propose, to become arbitrator too.