

รายการอ้างอิง



ภาษาไทย

คณิง ภาไชย. บทความทางวิชาการที่เกี่ยวกับกฎหมาย. ใน โอกาสครบอายุ 72 ปี. พิมพ์ครั้งแรก. กรุงเทพมหานคร, 2540.

จิตติ ดิงศภัทย์. กฎหมายแพ่งและพาณิชย์ว่าด้วยบุคคล. กรุงเทพมหานคร : สำนักพิมพ์มหาวิทยาลัยธรรมศาสตร์, 2529.

ดิเรก ชัยนาม. ประวัติความสัมพันธ์ระหว่างประเทศ. กรุงเทพมหานคร : มหาวิทยาลัยธรรมศาสตร์, 2495.

นพนธิ สุริยะ. 2537. กฎหมายระหว่างประเทศ. ใน LECTURE NOTE, พิมพ์ครั้งแรก. (กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน.

นิติการณประสม, พระ. คำอธิบายประมวลกฎหมายวิธีพิจารณาความแพ่ง. พิมพ์ครั้งที่ 4. 2515.

บทบัญญัติ. เล่มที่ 49 ปี 2536 ตอน 2. สรุปผลการสัมมนา'กฎหมายว่าด้วยข้อสัญญาที่ไม่เป็นธรรม'.

พรทิพย์ สุทธิวรศิลป์, การตีความ การแก้ไข และการยกเลิกคำชี้ขาดของศูนย์ระงับข้อพิพาททางการลงทุนระหว่างรัฐกับคนชาติของรัฐอื่น (ICSID), วิทยานิพนธ์ปริญญาโทมหาบัณฑิต, 2539.

พระราชบัญญัติว่าด้วยข้อสัญญาที่ไม่เป็นธรรม พ.ศ. 2540.

พระราชบัญญัติอนุญาโตตุลาการ พ.ศ. 2530.

พิชัยศักดิ์ ทรายางกูร. พจนานุกรมการอนุญาโตตุลาการพร้อมดัชนี. พิมพ์ครั้งแรก. กรุงเทพมหานคร : สำนักยูแพด, 2536.

พิชัยศักดิ์ ทรายางกูร. รวมข้อคิดเกี่ยวกับการระงับข้อพิพาทในทางการค้า. พิมพ์ครั้งแรก. กรุงเทพมหานคร : สำนักพิมพ์สามย่านวิทย์พัฒนา, 2540.

ภิญโญ พินัยนิติศาสตร์. คำอธิบายกฎหมายระหว่างประเทศ แผนกคดีบุคคล. กรุงเทพมหานคร : สำนักพิมพ์ประกายพรึก, 2533.

รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศกฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค กรุ๊ป, 2535.

รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศกฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 2. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค กรุ๊ป, 2535.

รพีสาร วันนิติศาสตร์รำลึก 40. วารสารของสมาคมนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์. รวมบทความย่อวิทยานิพนธ์.

ราชกิจจานุเบกษา ฉบับพิเศษ. เล่ม 104 ตอนที่ 156 ลงวันที่ 12 สิงหาคม 2530.

ลัก กอแสงเรือง. ประมวลกฎหมายแพ่งและพาณิชย์ บรรพ 1-6 ฉบับปัจจุบัน. กรุงเทพมหานคร : สำนักพิมพ์นิติบรรณาการ, 2535.

สุทธิวาตนฤพณี, หลวง. ประวัติศาสตร์กฎหมายไทยในชั้นปริญญาโท คณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์, 2516.

สุเทพ อัดถากร. กฎหมายระหว่างประเทศกับการเมืองระหว่างประเทศ พหุติกรรมและเอกสาร เล่ม 2 ภาคสงครามกรณีพิพาท ความเป็นกลาง. โครงการผลิตตำราและการวิจัยทางรัฐศาสตร์ คณะรัฐศาสตร์ มหาวิทยาลัยธรรมศาสตร์. กรุงเทพมหานคร : สำนักพิมพ์ไทยวัฒนาพานิช, 2516.

เสาวนีย์ อัสวโรจน์. สัญญาอนุญาโตตุลาการ. วิทยานิพนธ์ปริญญามหาบัณฑิต ภาควิชานิติศาสตร์ คณะนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์, 2533.

หยุด แสงอุทัย. คำบรรยาย การโต้แย้งกฎหมาย, 2482.

อนันต์ จันทโรภากร. กฎหมายว่าด้วยการระงับข้อพิพาทโดยอนุญาโตตุลาการนอกศาล. พิมพ์ครั้งแรก. กรุงเทพมหานคร : สำนักพิมพ์นิติธรรม, 2537.

อนันต์ จันทร์โอภากร. กฎหมายอนุญาโตตุลาการระหว่างประเทศ. พิมพ์ครั้งแรก. กรุงเทพมหานคร : สำนักพิมพ์นิติธรรม, 2538.

บทความภาษาไทย

ข้อบังคับของ ICC, คำแปล. พิมพ์ครั้งที่ 2. ฝรั่งเศส : ไอซีซีการพิมพ์, 2533.

คณิง ภาไชย. หลักกฎหมายเกี่ยวกับการค้าระหว่างประเทศ, วารสารนิติศาสตร์ ธรรมศาสตร์ ปีที่ 24 ฉบับที่ 2 (มิถุนายน 2537).

จรัญ ภักดีธนากุล. 'บทบาท หน้าที่ ความรับผิดชอบ และจริยธรรมของอนุญาโตตุลาการ', บทบัญญัติ เล่ม 50 ตอน 2, มิถุนายน 2537.

จิตติ ดิงศภัทย์. ความรู้เกี่ยวกับอนุญาโตตุลาการระหว่างประเทศ, อุลพาน เล่มที่ 3 ปีที่ 34.

ชุมพร บัจจสถานนท์. กฎหมายที่เป็นฐานรองรับกับกฎหมายที่คู่กรณีเลือกในสัญญาระหว่างรัฐกับเอกชน. วารสารกฎหมาย คณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย, 2527, (หน้า 71, 87).

ไชยวัฒน์ บุญนาค. ศาลควรมีอำนาจตรวจสอบคำชี้ขาดของอนุญาโตตุลาการในข้อกฎหมายแค่นั้นเพียงใด, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค กรุ๊ป, 2535.

ธารทิพย์ จงจักรพันธ์. กฎหมายแม่แบบอนุญาโตตุลาการ (The Model Law of Arbitration), อุลพาน เล่มที่ 3 ปีที่ 43 (กรกฎาคม-กันยายน 2539).

บรรลือ คงจันทร์. หลักกฎหมายและแนวทางปฏิบัติในการระงับข้อพิพาทโดยใช้ออนุญาโตตุลาการที่ผู้ประกอบการธุรกิจการเดินทางเรือควรรู้ในการทำสัญญาประกันภัย สัญญาเช่าเรือ และสัญญารับขนส่งสินค้าทางทะเล, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค กรุ๊ป, 2535.

ประจิตต์ ไรจนพฤกษ์. ข้อสังเกตบางประการเกี่ยวกับการบังคับตามคำชี้ขาดของอนุญาโตตุลาการ
ต่างประเทศ, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกา
เกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเพคท์ กราฟฟิค กรุ๊ป, 2535.

ปรีดี เกษมทรัพย์. หลักสุจริต คือ หลักความซื่อสัตย์และความไว้วางใจ TRUE AND GAUBEN.
เปิดได้อนุญาโตตุลาการ. ฐานเศรษฐกิจ (5-7 มิถุนายน 2539) : หน้า 1, 26, 32.

พิชัยศักดิ์ ทรยางกูร. การอนุญาโตตุลาการ : ความรู้เบื้องต้นในทางทฤษฎี, รวมบทความ ข้อบังคับ ข้อ
ตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1.
กรุงเทพมหานคร : เพอเพคท์ กราฟฟิค กรุ๊ป, 2535.

พิชัยศักดิ์ ทรยางกูร. ข้อสังเกตบางประการเกี่ยวกับการระงับข้อพิพาทและการเจรจาต่อรอง, บทบัญญัติ
เล่มที่ 48 ตอน 1 มีนาคม 2535.

ยุติธรรม, กระทรวง. ข้อบังคับว่าด้วยจริยธรรมของอนุญาโตตุลาการ.

วรฤทธิ ทวาทศิน. การนำกระบวนการระงับข้อพิพาททางแพ่งของศาลในต่างประเทศมา ประยุกต์ใช้เพื่อลด
ปัญหาปริมาณคดีของศาลชั้นต้น, บทบัญญัติ เล่มที่ 51 ตอน 3 กันยายน 2538.

วิชัย อริยะนันท์กะ, การระงับข้อพิพาทที่เกิดจากสัญญาการค้าระหว่างประเทศ, อุทพาน (กรกฎาคม-
กันยายน 2540).

วิบูลย์ ตั้งกิตติภากรณ์. สัญญาอนุญาโตตุลาการ, บทบัญญัติ เล่มที่ 48 ตอน 1 มีนาคม 2535.

วิศิษฐ์พร วัฒนวาทีน. ความสัมพันธ์ระหว่างหลัก REBUS SIC STANTBUS กับหลัก PACTA SUNT
SERVANDA ในสนธิสัญญา, วารสารกฎหมาย สุโขทัยธรรมมาธิราช, กรกฎาคม 2534 ปีที่ 3 ฉบับที่
1.

วุฒิพงศ์ เวชยานนท์. ความเป็นมาและภาพรวมของ ICSID, อุทพาน เล่มที่ 3 ปีที่ 43 (กรกฎาคม-กันยายน
2539).

วุฒิพงษ์ เวชยานนท์. คำชี้ขาด (AWARD) อันเกิดจากกระบวนการพิจารณา ARBITRATO IRRITUALE, ดูภาพ
เล่ม 3 ปีที่ 42, 2538.

วุฒิพงษ์ เวชยานนท์. จริยธรรมของอนุญาโตตุลาการ, บทบัญญัติ เล่มที่ 51 ตอน 3 กันยายน 2538.

สุชาติ ธรรมาพิทักษ์กุล. ข้อนำรู้บางประการเกี่ยวกับการระงับข้อพิพาทตามข้อบังคับของหอการค้านานาชาติ, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเพิลท์ กราฟฟิค กรุ๊ป, 2535.

สุชาติ ธรรมาพิทักษ์กุล. ทฤษฎีว่าด้วยอำนาจการพิจารณาชี้ขาดข้อพิพาทของอนุญาโตตุลาการระหว่างประเทศ, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเพิลท์ กราฟฟิค กรุ๊ป, 2535.

สุศักดิ์ วาจาสิทธิ์. ข้อสังเกตบางประการเกี่ยวกับพระราชบัญญัติอนุญาโตตุลาการ พ.ศ. 2530. วารสารกฎหมาย ปีที่ 13 ฉบับที่ 3, 2534, หน้า 98-104.

สุศักดิ์ วาจาสิทธิ์. สาระสำคัญของพระราชบัญญัติอนุญาโตตุลาการ พ.ศ. 2530. วารสารกฎหมาย ปีที่ 13 ฉบับที่ 3, 2534.

เสาวนีย์ อัครโรจน์. การระงับข้อพิพาททางการค้าระหว่างประเทศ, วารสารนิติศาสตร์ ธรรมศาสตร์ ฉบับที่ 2 ปีที่ 15 มิถุนายน 2528.

เสาวนีย์ อัครโรจน์. ความรู้เบื้องต้นเกี่ยวกับกฎหมายอนุญาโตตุลาการนอกศาล, วารสารอัยการ (ตุลาคม-ธันวาคม 2530).

เสาวนีย์ อัครโรจน์. บทบาทของศาลในการอนุญาโตตุลาการ, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเพิลท์ กราฟฟิค กรุ๊ป, 2535.

เสาวนีย์ อัครโรจน์. อนุญาโตตุลาการทางการพาณิชย์ระหว่างประเทศในสภาพโรเวียด, วารสารนิติศาสตร์ ธรรมศาสตร์ ปีที่ 16 ฉบับที่ 1, มีนาคม 2529.

โสภณ รัตนากร. "บทบาท หน้าที่ ความรับผิดชอบ และจริยธรรมของอนุญาโตตุลาการ", บทบัญญัติ เล่ม 50 ตอน 2, มิถุนายน 2537.

อนันต์ จันทโรภากร. กรุงเทพมหานคร : ศูนย์วิจัยข้อพิพาทโดยอนุญาโตตุลาการ, จุลสารพาณิชย์นาวี, สิงหาคม 2532.

อนันต์ จันทโรภากร. การขอบังคับตามคำชี้ขาดของอนุญาโตตุลาการต่างประเทศ กรณีคำพิพากษาศาลฎีกาที่ 377/2531, บทบัญญัติ, 2531.

อนันต์ จันทโรภากร. การระงับข้อพิพาทโดยอนุญาโตตุลาการ, ดุลพินิจ (มีนาคม-เมษายน 2533).

อนันต์ จันทโรภากร. ความหมายของอนุญาโตตุลาการต่างประเทศตามอนุสัญญาว่าด้วย การยอมรับและ บังคับคำชี้ขาดของอนุญาโตตุลาการต่างประเทศ ค.ศ. 1985, วารสารนิติศาสตร์ ธรรมศาสตร์, ธันวาคม 2530.

อนันต์ จันทโรภากร. ความหมายและความผูกพันของสัญญาอนุญาโตตุลาการ, วารสารกฎหมาย คณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย, (2 มีนาคม 2533).

อนันต์ จันทโรภากร. ทฤษฎีเกี่ยวกับอนุญาโตตุลาการ, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค กรุ๊ป, 2535.

อนันต์ จันทโรภากร. บทแปล อนุสัญญาว่าด้วยการระงับข้อพิพาทการลงทุนระหว่างรัฐและคนชาติของรัฐอื่น.

อนันต์ จันทโรภากร. อนุญาโตตุลาการการพาณิชย์ระหว่างประเทศ, รวมบทความ ข้อบังคับ ข้อตกลงระหว่างประเทศ กฎหมายและคำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค กรุ๊ป, 2535.

อนันต์ จันทโรภากร. อนุสัญญาว่าด้วยการระงับข้อพิพาททางการลงทุนระหว่างรัฐและคน ชาติของรัฐอื่น, วารสารนิติศาสตร์ มหาวิทยาลัยธรรมศาสตร์ ปีที่ 27 ฉบับที่ 1, 2540.

อนันต์ จันทโรภากร. อะไรคืออนุญาโตตุลาการต่างประเทศ : วิเคราะห์มาตรา 28 พระราชบัญญัติ
อนุญาโตตุลาการ พ.ศ. 2530, วารสารนิติศาสตร์ ธรรมศาสตร์ (กันยายน 2530).

เอนก ศรีสนิท. การตั้งอนุญาโตตุลาการ, รวมบทความ ข้อมังคัม ข้อตกลงระหว่างประเทศ กฎหมายและ
คำพิพากษาศาลฎีกาเกี่ยวกับอนุญาโตตุลาการ. เล่ม 1. กรุงเทพมหานคร : เพอเฟคท์ กราฟฟิค
กรุ๊ป; 2535.

เอกสารการสัมมนา

เทพบันเทิงภาพการสัมมนา. เรื่องอนุญาโตตุลาการในการระงับข้อพิพาททางการค้าระหว่างประเทศ 17
สิงหาคม 2538.

โสภณ รัตนากร. เอกสารปาฐกถาพิเศษ 'ศาลกับการระงับข้อพิพาทโดยอนุญาโตตุลาการ', 2534.

อุทัย พิมพ์ใจชน. เอกสารสัมมนา การพัฒนาระบบอนุญาโตตุลาการ : ปัญหา อุปสรรค และแนวทางแก้ไข,
2534.

หนังสือภาษาอังกฤษ

Albert Jan van den Berg, Yearbook Commercial Arbitration Volume XII-1987, Kluwer Law and Taxation
Publishers, 1987

Albert Jan van den Berg, Yearbook Commercial Arbitration Volume XII-1989, Kluwer Law and Taxation
Publishers, 1987

Anthony Walton & Mary Vitoria, Russell On The Law Of Arbitration, Stevens & Son's, 1982

Asialaw International Dispute Resolution, A Euromoney Company, 1997

BLACK'S LAW DICTIONARY, ABRIDGE 6th EDITION, 1891-1991

C.T. Onions, The Oxford Dictionary Of English Etymology, dilithium Press, Ltd., 1994

Code De Proc'edure Civile

David Foskett, The Law and Practice of Compromise, Sweet & Maxwell, London, 1985

Eric Loquin, L'amiable Composition En Droit Compare Et International : Contribution A L'etude Du Non-Droit
Dans L'arbitrage Commercial, 1980

Filip De Ly , International Business Law And Lex Mercatoria , 1992

Fouchard , L'arbitrage Commercial International , Dalloz ,Paris,1964

Foustoucos, Greece, 5 Yearbook Commercial Arbitration, 1980

Francois De Fontette , Que Sais-Je ? Vocabulaire Juridique, 1988

Gerald Poiton & David Brown, France:Resolving Disputes, Euromoney 13, 1991

Gill, W.H., The Law Of Arbitration, Sweet Maxwell, London, 3rd Ed., 1983

Giorgio Gaja, International Commercial Arbitration, New York Convention, Dobbs Ferry, New York : Oceana
Pub., Issued March 1989

Glossner, Federal Republic of Germany, 4 Yearbook Commercial Arbitration, 1979

Holmback, Commercial Arbitration in Sweden, 6 Droit et Pratique du Commerce International, 1980

Ian Brownlie, Principles of Public International Law, 4th Ed. Oxford (England): Clarendon Press, 1990

Israeli Law Of Standard Contracts 1964

Istvan Szasy, International Civil Procedure : A Comparative Study

J.G.Starke , Introduction To International Law, 1967

Lew, J.D., Applicable Law In International Arbitration : A Study In Commercial Arbitration Awards, 1978

Marshall (E), Arbitral Immunity, Journal of Business Law, 1976

Martin Domke, The Law And Practice Of Commercial Arbitration, Callaghan & Company : Illinois, 1968

McCaffrey, The Swiss Drafts of Conflicts of Law, American Journal Comparative Law, 1980

Nakata, In Sanders A.C.I. : Union International Des Avocats : Arbitrage Commercial International, 1965

Ole Lando, The Lex Mercatoria In International Commercial Arbitration, 34 International & Business Law,
1985

Paterson and Thompson, UNCITRAL Arbitration Model in Canada, The Carswell Company Limited, 1987

Pieter Sanders, Comparative arbitration practice and public policy in arbitration, Kluwer and Taxation
Publishers, 1987

Pieter Sanders, International Council For Commercial Arbitration, Year Book Commercial Arbitration Volume
X - 1985, Kluwer.

Pieter Sanders, International Council For Commercial Arbitration, Year Book Commercial Arbitration Volume
XI - 1986, Kluwer.

Pieter Sanders, International Council For Commercial Arbitration, Year Book Commercial Arbitration Volume
XIV - 1989, Kluwer.

Pieter Sanders, Recent Amandment on Arbitration Statutes : Sweden, 2 Yearbook of Commercial
Arbitration, 1980

Redfern, A. & Hunter, M., Law And Practice Of International Commercial Arbitration, Sweet & Maxwell, 1986

René David, Arbitration In International Trade, Kluwer Law and Taxation Publishers, 1985

Robert, J & Carbonneau, T.E., The French Law Of Arbitration, 1983

Rosenberg-Schwab, SchiedGerichtsbarkeit, 1960

Saleh, Commercial Arbitration in the Arab Middle East, 1984

Sir Michael Kerr, "Equity" Arbitration In England, American Review International Arbitration, 1991

Stein-Jonas, Kommentar Zur, Note 1.2 on © 1034 and Raape, Internationales Privatrecht., 1961

Steven J. Stein & Daniel R. Wotman, International Commercial Arbitration In 1980s : A Comparison of the Major Arbitral Systems and Rules, 38 Business Law, 1983

Stuyt, Survey Of International Arbitration 1794-1970, 1976

Teruo Doi, Japan, 4 Yearbook of Commercial Arbitration, 1979

Thomas E. Carbonneau, The Elaboration Of French Court Doctrine On International Commercial Arbitration : A Study In Liberal Civilian Judicial Creativity, 1980

W. Laurence Craig, William W. Park & Jan Paulsson, International Chamber Of Commerce Arbitration, 15 Issued November 1986, Oceana Publications, Inc.

Webster's Encyclopedic Unabridged Dictionary Of The English Language.

Yearbook Of United Nations Commission On International Trade Law , 1985 Volume XVI

ประมวลกฎหมายวิธีพิจารณาความแพ่ง ประเทศเยอรมัน (แก้ไขเพิ่มเติม ค.ศ. 1933)

บทความภาษาอังกฤษ

Brierley, John E. C., "Equity And Good Conscience" and amiable composition in Canadian Arbitration Law, Canadian Business Law Journal-Vol. 19, 1991

Henry T. King, Jr. and James D. Graham. 18th & 19th Century U.S.- British Relations Origins of Modern International Arbitration, 1996

Henry T. King, Jr., The Judgments and Legacy of Nuremberg, The Yale Journal of International Law Volume 22, Number 1, 1997

Kazuaki Sono, The Japanese Experience, in UNCITRAL Arbitration Model in Canada edited by Paterson and Thompson, 1987

Michael Hoellering, Commercial Arbitration / ADR, World Arbitration And Mediation Report, 1995

Robert D. Crane, Arbitral Freedom From Substantive Law, The Arbitration Journal, 1959

Robert Mark, Amiable Compositeur Contribution To The Problem Of Uniform International Commercial Arbitration, 1947

Shinishiro Michida, Amicable Texture of Japanese Arbitration, in Comparative arbitration practice and public policy in arbitration edited by Pieter Sanders, 1987

Voravuthi Dvadasin, Dispute Resolution Mechanisms for International Trade in THAILAND, Dullaphaha Vol.3, 1997

Weinberg, Karyn S., Equity in International Arbitration : How Fair is "Fair"? a study of Lex Mercatoria and Amiable Composition, Boston University International Law Journal Vol.12 : 227, 1994

เอกสารการเรียน/สัมมนาภาษาอังกฤษ

Arbitration Act B.E. 2530 (1987)

Barbara Dirkmann, International Arbitration, Case Western Reserve University School of Law, 1996-97

Frank W. Rosten; Settling Deadlocks In The " Boardroom" Not The "Courtroom"

Frank W. Rosten, Summary Of Presentation Dispute Avoidance And Resolution In Business & Commercial Situations , 1991

Garylee Cox, The selection and appoinment of arbitrators

Gerold Herrmann, Uncitral Model Law on International Commercial Arbitration the model for worldwide Harmonisation and Improvement

Henry T. King Jr., Governing Law and Resolution of Disputes, 1989

Henry T. King, Jr., Remarks of Before Arbitration Day Conference October 30, 1981 on Uncitral Arbitration Rules

ICC Rules Of Conciliation And Arbitration.

Kazuaki Sono, The Japanese Experience, in UNCITRAL Arbitration Model in Canada edited by Paterson and Thompson, 1987

Matindal-Hubbell, International Arbitration and Dispute Resolution Directory, 1996

Richard E. Lerner, 1988 Federal Arbitration Legislation, New York Law Journal, January 1989

The Arbitration Office Ministry of Justice Thailand, 1958 New York Convention on the recognition and Enforcement of Foreign Arbitral Awards.

The Arbitration Office Ministry of Justice Thailand, Conciliation Rules, Published in the Government Gazette,
Volume 107, part 54 dated 3rd, 1990

The Arbitration Office Ministry of Justice Thailand, ICC Rules of Arbitration.

The Arbitration Office Ministry Of Justice Thailand, London Court Of International Arbitration.

The Arbitration Office Ministry Of Justice Thailand, Protocol On Arbitration Clauses League Of Nations,
Geneva, 1923

W. Janis, The University of Connecticut, force no way to deal with Legal Dispute.

Whitmore Gray, Drafting The Dispute Resolution Clause, 1990

สนธิสัญญา/อนุสัญญา/กรณีศึกษา

Cramton & Holt V. Ridly & Co., 1887, Q.B.D. 48.

Draft General Treaty on The Peaceful Settlement of International Disputes, by American Bar Association
(ABA), Chicago, 1982

Eagle Star Inc. Co.Ltd. V. Yuvel Inc. Co.Ltd., 1987

Florence Court Of Appeal 1959.

Hague Convention Providing A Uniform Law On The International Sale Of Goods, 1972

Nussbaum, The Separability Doctrine

Orien Cia Espanola De Seguros V. Belfort Maats, 1962

The Uniform Commercial Code.

Un Charter.

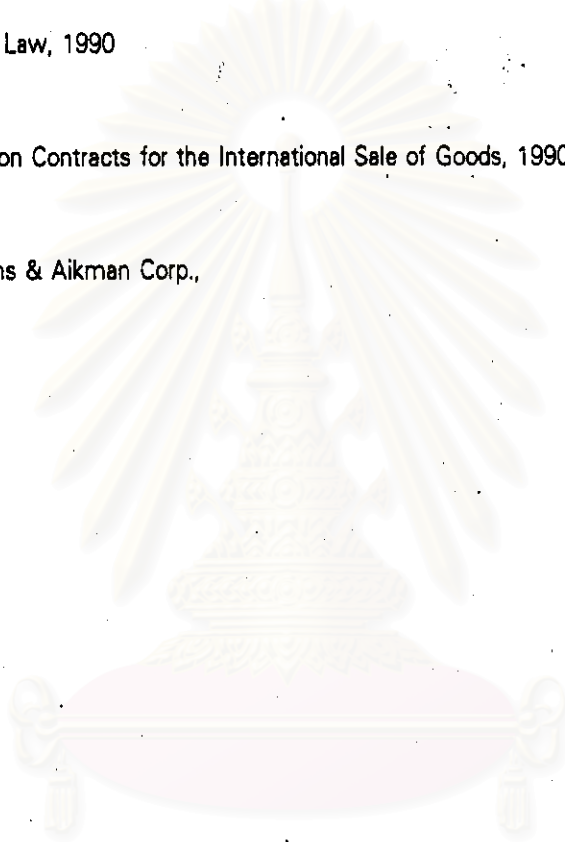
Uncitral Arbitration Rules Adopted 1976.

Uncitral Model Law on International Commercial Arbitration adopted 1985.

Uncitral Model Law on International Commercial Arbitration New York - 21 June 1985, basic documents on
International Trade Law, 1990

United Nations Convention on Contracts for the International Sale of Goods, 1990

Windsor Mills, Inc., V. Collins & Aikman Corp.,



สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย



ภาคผนวก

สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

ภาคผนวก ก.

Convention on the Recognition and Enforcement of Foreign Arbitral Awards

United Nations, New York, 1958

Convention on the Recognition and Enforcement of Foreign Arbitral Awards,¹

United Nations, New York, 1958

Done at New York, 10 June 1958 United Nations, Treaty Series, vol. 330, p. 38 No. 4739 (1959)

¹ The Convention entered into force on 7 June 1959.

The following States have deposited their ratifications (r) or accessions (a) with the Secretary-General of the United Nations :

| | | | | |
|-----------------------------|-------|---|-------------|------|
| Austria | (a) | - | 2 May | 1961 |
| Botswana | (a) | - | 20 December | 1971 |
| Bulgaria | (r) | - | 10 October | 1961 |
| Byelorussian SSR | (r) | - | 15 November | 1960 |
| Central African Republic | (a) | - | 15 October | 1962 |
| Ceylon | (r) | - | 9 April | 1962 |
| Czechoslovakia | (r) | - | 10 July | 1959 |
| Ecuador | (r) | - | 3 January | 1962 |
| Egypt | (a) | - | 9 March | 1959 |
| Federal Republic of Germany | (r) | - | 30 June | 1961 |
| Finland | (r) | - | 19 January | 1962 |
| France | (r) | - | 26 June | 1959 |
| Ghana | (a) | - | 9 April | 1968 |
| Greece | (a) | - | 16 July | 1962 |
| Hungary | (a) | - | 5 March | 1962 |
| India | (r) | - | 13 July | 1960 |
| Israel | (r) | - | 5 January | 1959 |
| Italy | (a) | - | 31 January | 1969 |

(Continued on next page.)

Reproduced from Register of Texts of Conventions and Other Instruments Concerning International Trade Law, Volume II, United Nations 1973.

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards on the State where their recognition and enforcement are sought.

2. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

(Continued)

| | | | | |
|-------------------------------------|-------|---|--------------|------|
| Japan | (a) | - | 20 June | 1961 |
| Khmer Republic | (a) | - | 5 January | 1960 |
| Madagascar | (a) | - | 16 July | 1962 |
| Mexico | (a) | - | 14 April | 1971 |
| Morocco | (a) | - | 12 February | 1959 |
| Netherlands | (r) | - | 24 April | 1964 |
| Niger | (a) | - | 14 October | 1964 |
| Nigeria | (a) | - | 17 March | 1970 |
| Norway | (a) | - | 14 March | 1961 |
| Philippines | (r) | - | 6 July | 1967 |
| Poland | (r) | - | 3 October | 1961 |
| Romania | (a) | - | 13 September | 1961 |
| Sweden | (r) | - | 20 January | 1972 |
| Switzerland | (r) | - | 1 June | 1965 |
| Syrian Arab Republic | (a) | - | 9 March | 1959 |
| Thailand | (a) | - | 21 December | 1959 |
| Trinidad and Tobago | (a) | - | 14 February | 1966 |
| Tunisia | (a) | - | 17 July | 1967 |
| Ukrainian SSR | (r) | - | 10 October | 1960 |
| Union of Soviet Socialist Republics | (r) | - | 24 August | 1960 |
| United Republic of Tanzania | (a) | - | 13 October | 1964 |
| United States of America | (a) | - | 30 September | 1970 |

The following States have signed the Convention : Argentina, Belgium, Costa Rica, El Salvador, Jordan, Luxembourg, Monaco, Pakistan.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of domestic arbitral awards.

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply :

- (a) The duly authenticated original award or a duly certified copy thereof ;
- (b) the original agreement referred to in article II or a duly certified copy thereof ;

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a

translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if party furnishes to the competent authority where the recognition and enforcement is sought, proof that :

(a) The parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

(b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) The award deals with a difference not contemplated by or not falling within the terms of the submission of arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decision on matters submitted to arbitration may be recognized and enforced; or

(d) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

(e) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that :

(a) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or

(b) The recognition or enforcement of the award would be contrary to the public policy of that country.

Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V (1) (e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreement concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States ;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment ;

(c) A federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3. This Convention shall continue to be applicable to arbitral awards in respect of which recognition or enforcement proceedings have been instituted before the denunciation takes effect.

Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following :

- (a) Signatures and ratifications in accordance with article VIII ;
- (b) Accessions in accordance with article IX ;
- (c) Declarations and notifications under articles I, X and XI ;
- (d) The date upon which this Convention enters into force in accordance with article XII ;
- (e) Denunciations and notifications in accordance with article XIII ;

Article XV

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII ;

Entry into force : 7 June 1959

| State | Signature | Ratification | Accession |
|-------------------------------------|------------------|------------------|-------------------|
| Argentina | 26 August 1958 | | |
| Australia | | | 26 March 1975 |
| Austria 2/ | | | 2 May 1961 |
| Belgium 2/ | 10 June 1958 | 18 August 1975 | |
| Benin | | | 16 May 1974 |
| Botswana 1/ 2/ | | | 20 December 1971 |
| Bulgaria 2/ 3/ | 17 December 1958 | 10 October 1961 | |
| Myelorussian SSR. 2/ 3/ | 29 December 1958 | 15 November 1960 | |
| Central African Republic 1/ 2/ | | | 15 October 1962 |
| Chile | | | 4 September 1975 |
| Colombia | | | 25 September 1979 |
| Costa Rica | 10 June 1958 | | |
| Cuba 1/ 2/ 3/ | | | 30 December 1974 |
| Cyprus 1/ 2/ | | | 29 December 1980 |
| Czechoslovakia 2/ 3/ | 3 October 1958 | 10 July 1959 | |
| Democratic Kampuchea | | | 5 January 1960 |
| Denmark 1/ 2/ | | | 22 December 1972 |
| Djibouti | | | 14 June 1963 |
| Ecuador 1/ 2/ | 17 December 1958 | 3 January 1962 | |
| Egypt | | | 9 March 1959 |
| El Salvador | 10 June 1958 | | |
| Finland | 29 December 1958 | 19 January 1962 | |
| German Democratic Republic 1/ 2/ 3/ | | | 20 February 1975 |
| Germany Federal Republic of 2/ | 10 June 1958 | 30 June 1961 | |
| Cl a | | | 9 April 1968 |
| Greece 1/ 2/ | | | 16 July 1962 |
| Guatemala 1/ 2/ | | | 21 March 1984 |
| Maiti | | | 5 December 1983 |

| | | | |
|-------------------------|------------------|------------------|-------------------|
| Moly See 1/ 2/ | | | 14 May 1975 |
| Mungary 1/ 2/ | | | 5 March 1962 |
| India 1/ 2/ | 10 June 1958 | 13 July 1960 | |
| Indonesia 1/ 2/ | | | 7 October 1981 |
| Ireland 2/ | | | 12 May 1981 |
| Israel | 10 June 1958 | 5 January 1959 | |
| Italy | | | 31 January 1969 |
| Japan 2/ | | | 20 June 1961 |
| Jordan | 10 June 1958 | 15 November 1979 | |
| Kuwait 2/ | | | 28 April 1978 |
| Luxembourg 2/ | 11 November 1958 | 9 September 1983 | |
| Madagascar 1/ 2/ | | | 16 July 1962 |
| Malaysia 1/ 2/ | | | 5 November 1985 |
| Mexico | | | 14 April 1971 |
| Monaco 1/ 2/ | 31 December 1958 | 2 June 1982 | |
| Morocco 2/ | | | 12 February 1959 |
| Netherlands 2/ | 10 June 1958 | 24 April 1964 | |
| New Zealand 2/ | | | 6 January 1983 |
| Niger | | | 14 October 1964 |
| Nigeria 1/ 2/ | | | 17 March 1970 |
| Norway 2/ 4/ | | | 14 March 1961 |
| Pakistan | 30 December 1958 | | |
| Panama | | | 10 October 1984 |
| Philippines 1/ 2/ | 10 June 1958 | 6 July 1967 | |
| Poland 1/ 2/ | 10 June 1958 | 3 October 1961 | |
| Republic of Korea 1/ 2/ | | | 8 February 1973 |
| Romania 1/ 2/ 3/ | | | 13 September 1961 |
| San Mairno | | | 17 May 1979 |
| South Africa | | | 3 May 1976 |
| Spain | | | 12 May 1977 |
| Sri Lanka | 30 December 1958 | 9 April 1962 | |
| Sweden | 23 December 1958 | 28 January 1972 | |

| | | | |
|--------------------------------|------------------|-----------------|-------------------|
| Switzerland 2/ | 29 December 1958 | 1 June 1965 | |
| Syrian Arab Republic | | | 9 March 1959 |
| Thailand | | | 21 December 1959 |
| Trinidad and Tobago 1/ 2/ | | | 14 February 1966 |
| Tunisia 1/ 2/ | | | 17 July 1967 |
| Ukrainian SSR 2/ 3/ | 29 December 1958 | 10 October 1960 | |
| USSR 2/ 3/ | 29 December 1958 | 24 August 1960 | |
| United Kingdom 2/ | | | 24 September 1975 |
| United Republic of Tanzania 2/ | | | 13 October 1964 |
| United States of America 1/ 2/ | | | 30 September 1970 |
| Uruguay | | | 30 March 1983 |
| Yugoslavia 1/ 2/ 5/ | | | 26 February 1982 |

Signatures only: 4; ratifications: 21; accessions: 48

The following additional countries acceded to this Convention:

Canada (May 12, 1986)

Canada adopted both of the reservations the Convention provided for in Art. I (3): that it will apply the Convention only "to the recognition and enforcement of awards made... in the territory of another Contracting State"

(the reciprocity reservation) and "to differences arising out of legal relationships, whether contractual or not, which are considered as commercial" (the commercial reservation). With regard to the reciprocity reservation, Canada declared that this is made only for the Province of Alberta.

Singapore (August 20, 1986)

Subject to the reservation of reciprocity under Art. I (3).

ภาคผนวก ข.

Convention on the Settlement of Investment Disputes between
States and Nationals of Other States

PREAMBLE

The Contracting States

Considering the need for international cooperation for economic development, and the role of private international investment therein ;

Bearing in mind the possibility that from time to time disputes may arise in connection with such investment between Contracting States and nationals of other Contracting States ;

Recognizing that while such disputes would usually be subject to national legal processes, international methods of settlement may be appropriate in certain cases ;

Attaching particular importance to the availability of facilities for international conciliation or arbitration to which Contracting States and nationals of other Contracting may submit such disputes if they so desire ;

Desiring to establish such facilities under the auspices of the International Bank for Reconstruction and Development ;

Recognizing that mutual consent by the parties to submit such disputes to conciliation or to arbitration through such facilities constitutes a binding agreement which requires in particular that due consideration be given to any recommendation of conciliators, and that any arbitral award be complied with; and

Declaring that no Contracting State shall by the mere fact of its ratification, acceptance or approval of this Convention and without its consent be deemed to be under any obligation to submit any particular dispute to conciliation or arbitration,

Have agreed as follows:

CHAPTER I

International Centre for Settlement of Investment Disputes

SECTION 1

Establishment and Organization

Article 1

(1) There is hereby established the International Centre for Settlement of Investment Disputes (hereinafter called the Centre).

(2) The purpose of the Centre shall be to provide facilities for conciliation and arbitration of investment disputes between Contracting States and nationals of other Contracting States in accordance with the provisions of this Convention.

Article 2

The seat of the Centre shall be at the principal office of the International Bank for Reconstruction and Development (hereinafter called the Bank). The seat may be moved to another place by decision of the Administrative Council adopted by a majority of two-thirds of its members.

Article 3

The Centre shall have an Administrative Council and a Secretariat and shall maintain a Panel of Conciliators and a Panel of Arbitrators.

SECTION 2

The Administrative Council

Article 4

(1) The Administrative Council shall be composed of one representative of each Contracting State. An alternate may act as representative in case of his principal's absence from a meeting or inability to act.

(2) In the absence of a contrary designation, each governor and alternate governor of the Bank appointed by a Contracting State shall be *ex officio* its representative and its alternate respectively.

Article 5

The President of the Bank shall be *ex officio* Chairman of the Administrative Council (hereinafter called the Chairman) but shall have no vote. During his absence or inability to act and during any vacancy in the office of President of the Bank, the person for the time being acting as President shall act as Chairman of the Administrative Council.

Article 6

(1) Without prejudice to the powers and functions vested in it by other provisions of this Convention, the Administrative Council shall

- (a) adopt the administrative and financial regulations of the Centre ;
- (b) adopt the rules of procedure for the institution of conciliation and arbitration proceedings;
- (c) adopt the rules of procedure for conciliation and arbitration proceedings (hereinafter called the Conciliation Rules and the Arbitration Rules) ;
- (d) approve arrangements with the Bank for the use of the Bank's administrative facilities and services ;
- (e) determine the conditions of service of the use of the Secretary-General and of any Deputy Secretary-General ;
- (f) adopt the annual budget of revenues and expenditures of the Centre ;
- (g) approve the annual report on the operation of the Centre.

The decisions referred to in sub-paragraphs (a), (b), (c) and (f) above shall be adopted by a majority of two-thirds of the members of the Administrative Council.

(2) The Administrative Council may appoint such committees as it considers necessary.

(3) The Administrative Council shall also exercise such other powers and performs such other functions as it shall determine to be necessary for the implementation of the provisions of this Convention.

Article 7

(1) The Administrative Council shall hold an annual meeting and such other meetings as may be determined by the Council, or convened by the Chairman, or convened by the Secretary-General at the request of not less than five members of the Council.

(2) Each member of the Administrative Council shall have one vote and, except as otherwise herein provided, all matters before the Council shall be a majority of the votes cast.

(3) A quorum for any meeting of the Administrative Council shall be a majority of its members.

(4) The Administrative Council may establish, by a majority of two-thirds of its members, a procedure whereby the Chairman may seek a vote of the Council without convening a meeting of the Council. The vote shall be considered valid only if the majority of the members of the Council cast their votes within the time limit fixed by the said procedure.

Article 8

Members of the Administrative Council and the Chairman shall serve without remuneration from the Centre.

SECTION 3**The Secretariat****Article 9**

The Secretariat shall consist of a Secretary-General, one or more Deputy Secretaries-General and staff.

Article 10

(1) The Secretary-General and any Deputy Secretary-General shall be elected by the Administrative Council by a majority of two-thirds of its members upon the nomination of the Chairman for a term of service not exceeding six years and shall be eligible for re-election. After consulting the members of the Administrative Council, the Chairman shall propose one or more candidates for each such office.

(2) The offices of Secretary-General and Deputy Secretary-General shall be incompatible with the exercise of any political function. Neither the Secretary-General nor any Deputy Secretary-General may hold any other employment or engage in any other occupation except with the approval of the Administrative Council.

(3) During the Secretary-General's absence or inability to act, and during any vacancy of the office of Secretary-General, the Deputy Secretary-General shall act as Secretary-General. If there shall be more than one Deputy Secretary-General, the Administrative Council shall determine in advance the order in which they shall act as Secretary-General.

Article 11

The Secretary-General shall be the legal representative and the principal officer of the Centre and shall be responsible for its administration, including the appointment of staff, in accordance with the provisions of this Convention and the rules adopted by the Administrative Council. He shall perform the function of registrar and shall have the power to authenticate arbitral awards rendered pursuant to this Convention, and to certify copies thereof.

SECTION 4

the Panels

Article 12

The Panel of Conciliators and the Panel of Arbitrators shall each consist of qualified persons, designated as hereinafter provided, who are willing to serve thereon.

Article 13

(1) Each Contracting State may designate to each Panel four persons who may but need not be its nationals.

(2) The Chairman may designate ten persons to each Panel. The persons so designated to a Panel shall each have a different nationality.

Article 14

(1) Persons designated to serve on the Panels shall be persons of high moral character and recognized competence in the fields of law, commerce, industry or finance, who may be relied upon to exercise independent judgment. Competence in the field of law shall be of particular importance in the case of persons on the Panel of Arbitrators.

(2) The Chairman, in designating persons to serve on the Panels, shall in addition pay due regard to the importance of assuring representation on the Panels of the principal legal systems of the world and of the main forms of economic activity.

Article 15

(1) Panel members shall serve for renewable periods of six years.

(2) In case of death or resignation of a member of a Panel, the authority which designated the member shall have the right to designate another person to serve for the remainder of that member's term.

(3) Panel members shall continue in office until their successors have been designated.

Article 16

(1) A person may serve on both Panels.

(2) If a person shall have been designated to serve on the same Panel by more than one Contracting State, or by one or more Contracting States and the Chairman, he shall be deemed to have been designated by the authority which first designated him or, if one such authority is the State of which he is a national, by that State.

(3) All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.

SECTION 5

Financing the Centre

Article 17

If the expenditure of the Centre cannot be met out of charges for the use of its facilities, or out of other receipts, the excess shall be borne by Contracting States which are members of the Bank in proportion to their respective subscriptions to the capital stock of the Bank, and by Contracting States which are not members of the Bank in accordance with rules adopted by the Administrative Council.

SECTION 6

Status Immunities and Privileges

Article 18

The Centre shall have full international legal personality. The legal capacity of the Centre shall include the capacity

- (a) to contract ;
- (b) to acquire and dispose of movable and immovable property ;
- (c) to institute legal proceedings.

Article 19

To enable the Centre to fulfil its functions, it shall enjoy in the territories of each Contracting State the immunities and privileges set forth in this Section.

Article 20

The Centre, its property and assets shall enjoy immunity all legal process, except when the Centre waives this immunity.

Article 21

The Chairman, the members of the Administrative Council, persons acting as conciliators or arbitrators or members of a Committee appointed pursuant to paragraph (3) of Article 52, and the officers and employees of the Secretariat

- (a) shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Centre waives this immunity ;
- (b) not being local nationals, shall enjoy the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to the representatives, officials and employees of comparable rank of other Contracting States.

Article 22

The provisions of Article 21 shall apply to persons appearing in proceedings under this Convention as parties, agents, counsel, advocates, witnesses or experts; provided, however, that sub-paragraph (b) thereof shall apply only in connection with their travel to and from, and their stay at, the place where the proceedings are held.

Article 23

(1) The archives of the Centre shall be inviolable, wherever they may be.

(2) With regard to its official communications, the Centre shall be accorded by each Contracting State treatment not less favourable than that accorded to other international organizations.

Article 24

(1) The Centre, its assets, property and income and its operations and transactions authorized by this Convention shall be exempt from all taxation and customs duties. The Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties.

(2) Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Centre to the Chairman or members of the Administrative Council, or on or in respect of salaries, expense allowances or other emoluments paid by the Centre to officials or employees of the Secretariat.

(3) No tax shall be levied on or in respect of fees or expense allowances received by persons acting as conciliators, or arbitrators, or members of a Committee appointed pursuant to paragraph (3) of Article 52, in proceedings under this Convention, if the sole jurisdictional basis for such tax is the location of the Centre or the place where such proceedings are conducted or the place where such fees or allowances are paid.

CHAPTER II**Jurisdiction of the Centre****Article 25**

(1) The jurisdiction of the Centre shall extend to any legal dispute arising directly out of an investment, between a Contracting State (or any constituent subdivision or agency of a Contracting State designated to the Centre by that State) and a national of another Contracting State, which the parties to the dispute consent in writing to submit to the Centre. When the parties have given their consent, no party may withdraw its consent unilaterally.

(2) "National of another Contracting State" means :

- (a) any natural person who had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration as well as on the date on which the request was registered pursuant to paragraph (3) of Article 28 or paragraph (3) of Article 36, but does not include any person who on either date also had the nationality of the Contracting State party to the dispute ; and
- (b) any juridical person which had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration and any juridical person which had the nationality of the Contracting State party to the dispute on that date and which, because of foreign control, the parties have agreed should be treated as a national of another Contracting State for the purposes of this Convention.

(3) Consent by a constituent subdivision or agency of a Contracting State shall require the approval of that State unless that State notifies the Centre that no such approval is required.

(4) Any Contracting State may, at the time of ratification, acceptance or approval of this Convention or at any time thereafter, notify the Centre of the class or classes of disputes which it would or would not consider submitting to the jurisdiction of the Centre. The Secretary-General shall forthwith transmit such notification to all Contracting States. Such notification shall not constitute the consent required by paragraph (1).

Article 26

Consent of the parties to arbitration under this Convention shall, unless otherwise stated, be deemed consent to such arbitration to the exclusion of any other remedy. A Contracting State may require the exhaustion of local administrative or judicial remedies as a condition of its consent to arbitration under this Convention.

Article 27

(1) No Contracting State shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its nationals and another Contracting State shall have consented to submit or shall have submitted to arbitration under this Convention, unless such other Contracting State shall have failed to abide by and comply with the award rendered in such dispute.

(2) Diplomatic protection, for the purposes of paragraph (1), shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.

CHAPTER III

Conciliation

SECTION 1

Request for Conciliation

Article 28

(1) Any Contracting State or any national of a Contracting State wishing to institute conciliation proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

(2) The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to conciliation in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

(3) The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

SECTION 2

Constitution of the Conciliation Commission

Article 29

(1) The Conciliation Commission (hereinafter called the Commission) shall be constituted as soon as possible after registration of a request pursuant to Article 28.

(2) (a) The Commission shall consist of a sole conciliator or any uneven number of conciliators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of conciliators and the method of their appointment, the Commission shall consist of three conciliators, one conciliator appointed by each party and the third, who shall be the president of the Commission, appointed by agreement of the parties.

Article 30

If the Commission shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 28, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the conciliator or conciliators not yet appointed.

Article 31

(1) Conciliators may be appointed from outside the Panel of Conciliators, except in the case of appointments by the Chairman pursuant to Article 30.

(2) Conciliators appointed from outside the Panel of Conciliators shall possess the qualities stated in paragraph (1) of Article 14.

SECTION 3**Conciliation Proceedings****Article 32**

(1) The Commission shall be the judge of its own competence.

(2) Any objection by a party to the dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Commission, shall be considered by the Commission which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

Article 33

Any conciliation proceeding shall be conducted in accordance with the provisions of this Section and, except as the parties otherwise agree, in accordance with the Conciliation Rules in effect on the date on which the parties consented to conciliation. If any question of procedure arises which is not covered by this Section or the Conciliation Rules or any rules agreed by the parties, the Commission shall decide the question.

Article 34

(1) It shall be the duty of the Commission to clarify the issues in dispute between the parties and to endeavour to bring about agreement between them upon mutually acceptable terms. To that end, about agreement between them upon mutually acceptable terms. To that end, the Commission may at any stage of the proceedings and from time to time recommend terms of settlement to the parties. The parties shall cooperate in good faith with the Commission in order to enable the Commission to carry out its functions, and shall give their most serious consideration of its recommendations.

(2) If the parties reach agreement, the Commission shall draw up a report noting the issues in dispute and recording that the parties have reached agreement. If, at any stage of the proceedings, it appears to the Commission that there is no likelihood of agreement between the parties, it shall close the proceedings and shall draw up a report noting the submission of the dispute and recording the failure of the

parties to reach agreement. If one party fails to appear or participate in the proceedings, the Commission shall close the proceedings and shall draw up a report noting that party's failure to appear or participate.

Article 35

Except as the parties to the dispute shall otherwise agree, neither party to a conciliation proceeding shall be entitled in any other proceeding, whether before arbitrators or in a court of law or otherwise, to invoke or rely on any views expressed or statements or admissions or offers of settlement made by the other party in the conciliation proceedings, or the report or any recommendations made by the Commission.

CHAPTER IV

Arbitration

SECTION 1

Request for Arbitration

Article 36

(1) Any Contracting State or any national of a Contracting State wishing to institute arbitration proceedings shall address a request to that effect in writing to the Secretary-General shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

(2) The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to arbitration in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

(3) The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

SECTION 2

Constitution of the Tribunal

Article 37

(1) The Arbitral Tribunal (hereinafter called the Tribunal) shall be constituted as soon as possible after registration of a request pursuant to Article 36.

(2) (a) The Tribunal shall consist of a sole arbitrator or any uneven number of arbitrators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of arbitrators and the method of their appointment, the Tribunal shall consist of three arbitrators, one arbitrator appointed by each party and the third, who shall be the president of the Tribunal, appointed by agreement of the parties.

Article 38

If the Tribunal shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 36, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the arbitrator or arbitrators not yet appointed. Arbitrators appointed by the Chairman pursuant to this Article shall not be nationals of the Contracting State party to the dispute or of the Contracting State whose national is a party to the dispute.

Article 39

The majority of the arbitrators shall be nationals of States other than the Contracting State party to the dispute and the Contracting State whose national is a party to the dispute ; provided, however, that the foregoing provisions of this Article shall not apply if the sole arbitrator or each individual member of the Tribunal has been appointed by agreement of the parties.

Article 40

(1) Arbitrators may be appointed from outside the Panel of Arbitrators, except in the case of appointments by the Chairman pursuant to Article 38.

(2) Arbitrators appointed from outside the Panel of Arbitrators shall possess the qualities stated in paragraph (1) of Article 14.

SECTION 3

Powers and Functions of the Tribunal

Article 41

(1) The Tribunal shall be the judge of its own Competence.

(2) Any objection by a party to the dispute that that dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Tribunal, shall be considered by the Tribunal which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

Article 42

(1) The Tribunal shall decide a dispute in accordance with such rules of law as may be agreed by the parties. In the absence of such agreement, the Tribunal shall apply the law of the Contracting State party to the dispute (including its rules on the conflict of laws) and such rules of international law as may be applicable.

(2) The Tribunal may not bring in a finding of *non liquet* on the ground of silence or obscurity of the law.

(3) The provisions of paragraph (1) and (2) shall not prejudice the power of the Tribunal to decide a dispute *ex aequo et bono* if the parties so agree.

Article 43

Except as the parties otherwise agree, the Tribunal may, if it deems it necessary at any stage of the proceedings,

- (a) call upon the parties to produce documents or other evidence, and
- (b) visit the scene connected with the dispute, and conduct such inquiries there as it may deem appropriate.

Article 44

Any arbitration proceeding shall be conducted in accordance with the provisions of this Section and, except as the parties otherwise agree, in accordance with the Arbitration rules in effect on the date on which the parties consented to arbitration. If any question of procedure arises which is not covered by this Section or the Arbitration Rules or any rules agreed by the parties, the Tribunal shall decide the question.

Article 45

(1) Failure of a party to appear or to present his case shall not be deemed an admission of the other party's assertions.

(2) If a party fails to appear or to present his case at any stage of the proceedings the other party may request the Tribunal to deal with the questions submitted to it and to render an award. Before rendering an award, the Tribunal shall notify, and grant a period of grace to, the party failing to appear or to present its case, unless it is satisfied that that party does not intend to do so.

Article 46

Except as the parties otherwise agree, the Tribunal shall, if requested by a party, determine any incidental or additional claims or counter-claims arising directly out of the subject-matter of the dispute provided that they are within the scope of the consent of the parties and are otherwise within the jurisdiction of the Centre.

Article 47

Except as the parties otherwise agree, the Tribunal may, if it considers that the circumstances so require, recommend any provisional measures which should be taken to preserve the respective rights of either party.

SECTION 4**The Award****Article 48**

(1) The Tribunal shall decide questions by a majority of the votes of all its members.

(2) the award of the Tribunal shall be in writing and shall be signed by the members of the Tribunal who voted for it.

(3) The award shall deal with every question submitted to the Tribunal, and shall state the reasons upon which it is based.

(4) Any member of the Tribunal may attach his individual opinion to the award, whether he dissents from the majority or not, or a statement of his dissent.

(5) The Centre shall not publish the award without the consent of the parties.

Article 49

(1) the Secretary-General shall promptly dispatch certified copies of the award to the parties. The award shall be deemed to have been rendered on the date on which the certified copies were dispatched.

(2) The Tribunal upon the request of a party made within 45 days after the date on which the award was rendered may after notice to the other party decide any question which it had omitted to decide in the award, and shall rectify any clerical, arithmetical or similar error in the award. Its decision shall become part of the award and shall be notified to the parties in the same manner as the award. The periods of time provided for under paragraph (2) of Article 51 and paragraph (2) of Article 52 shall run from the date on which the decision was rendered.

SECTION 5

Interpretation, Revision and Annulment of the Award

Article 50

(1) If any dispute shall arise between the parties as to the meaning or scope of an award, either party may request interpretation of the award by an application in writing addressed to the Secretary-General.

(2) The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision.

Article 51

(1) Either party may request revision of the award by an application in writing addressed to the Secretary-General on the ground of discovery of some fact of such a nature as decisively to affect the award, provided that when the award was rendered that fact was unknown to the Tribunal and to the applicant and that the applicant's ignorance of that fact was not due to negligence.

(2) The application shall be made within 90 days after the discovery of such fact and in any event within three years after the date on which the award was rendered.

(3) The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter.

(4) The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Tribunal rules on such request.

Article 52

(1) Either party may request annulment of the award by an application in writing addressed to the Secretary-General on one or more of the following grounds :

- (a) that the Tribunal was not properly constituted ;
- (b) that the Tribunal has manifestly exceeded its powers ;
- (c) that there was corruption on the part of a member of the Tribunal ;
- (d) that there has been a serious departure from a fundamental rule of procedure; or
- (e) that the award has failed to state the reasons on which it is based.

(2) The application shall be made within 120 days after the date on which the award was rendered except that when annulment is requested on the ground of corruption such application shall be

made within 120 days after discovery of the corruption and in any event within three days after the date on which the award was rendered.

(3) On receipt of the request the Chairman shall forthwith appoint from the Panel of Arbitrators an *ad hoc* Committee of three persons. None of the members of the Committee shall have been a member of the Tribunal which rendered the award, shall be of the same nationality as any such member, shall be a national of the dispute, shall have been designated to the Panel of Arbitrators by either of those States, or shall have acted as a conciliator in the same dispute. The Committee shall have the authority to annul the award or any part thereof on any of the grounds set forth in paragraph (1).

(4) The provisions of Articles 41-45, 48, 49, 53 and 54, and of Chapters VI and VII shall apply *mutatis mutandis* to proceedings before the Committee.

(5) The Committee may, if it considers that the circumstances so requires, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Committee rules on such request.

(6) If the award is annulled the dispute shall, at the request of either party, be submitted to a new Tribunal constituted in accordance with Section 2 of this Chapter.

SECTION 6

Recognition and Enforcement of the Award

Article 53

(1) The award shall be binding on the parties and shall not be subject to any appeal or to any other remedy except those provided for in this Convention. Each party shall abide by and comply with the terms of the award except to the extent that enforcement shall have been stayed pursuant to the relevant provisions of this Convention.

(2) For the purposes of this Section, "award" shall include any decision interpreting, revising or annulling such award pursuant to Article 50, 51 or 52.

Article 54

(1) Each Contracting State shall recognize an award rendered pursuant to this Convention as binding and enforce the pecuniary obligations imposed by that award within its territories as if it were a final judgment of a court in that State. A Contracting State with a federal constitution may enforce such an award in or through its federal courts or other authority for this purpose and of any subsequent change in such designation.

(2) Execution of the award shall be governed by the laws concerning the execution of judgments in force in the State in whose territories such execution is sought.

Article 55

Nothing in Article 54 shall be construed as derogating from the law in force in any Contracting State relating to immunity of that State or of any foreign State from execution.

CHAPTER V

Replacement and Disqualification of Conciliators and Arbitrators

Article 56

(1) After a Commission or a Tribunal has been constituted and proceedings have begun, its composition shall remain unchanged; provided, however, that if a conciliator or an arbitrator should die, become incapacitated, or resign, the resulting vacancy shall be filled in accordance with the provisions of Section 2 of Chapter III or Section 2 of Chapter IV.

(2) A member of a Commission or Tribunal shall continue to serve in that capacity notwithstanding that he shall have ceased to be a member of the Panel.

(3) If a conciliator or arbitrator appointed by a party shall have resigned without the consent of the Commission or Tribunal of which he was a member, the Chairman shall appoint a person from the appropriate Panel to fill the resulting vacancy.

Article 57

A party may propose to a Commission or Tribunal the disqualification of any of its members on account of any fact indicating a manifest lack of the qualities required by paragraph (1) of Article 14. A party to arbitration proceedings may, in addition, propose the disqualification of an arbitrator on the ground that he was ineligible for appointment to the Tribunal under Section 2 of Chapter IV.

Article 58

The decision on any proposal to disqualify a conciliator or arbitrator shall be taken by the other members of the Commission or Tribunal as the case may be, provided that where those members are equally divided, or in the case of a proposal to disqualify a sole conciliator or arbitrator, or a majority of the conciliators or arbitrators, the Chairman shall take that decision. If it is decided that the proposal is well-founded the conciliator or arbitrator to whom the decision relates shall be replaced in accordance with the provisions of Section 2 of Chapter III or Section 2 of Chapter IV.

CHAPTER VI

Cost of Proceedings

Article 59

The charges payable by the parties for the use of the facilities of the Centre shall be determined by the Secretary-General in accordance with the regulations adopted by the Administrative Council.

Article 60

(1) Each Commission and each Tribunal shall determine the fees and expenses of its members within limits established from time to time by the Administrative Council and after consultation with the Secretary-General.

(2) Nothing in paragraph (1) of this Article shall preclude the parties from agreeing in advance with the Commission or Tribunal concerned upon the fees and expenses of its members.

Article 61

(1) In the case of conciliation proceedings the fees and expenses of members of the Commission as well as the charges for the use of the facilities of the Centre, shall be borne equally by the parties. Each party shall bear any other expenses it incurs in connection with the proceedings.

(2) In the case of arbitration proceedings the Tribunal shall, except as the parties otherwise agree, assess the expenses incurred by the parties in connection with the proceedings, and shall decide how and by whom those expenses, the fees and expenses of the members of the Tribunal and the charges for the use of the facilities of the Centre shall be paid. Such decision shall form part of the award.

CHAPTER VII

Place of Proceedings

Article 62

Conciliation and arbitration proceedings shall be held at the seat of the Centre except as hereinafter provided.

Article 63

Conciliation and arbitration proceedings may be held, if the parties so agree.

(a) at the seat of the Permanent Court of Arbitration or of any other appropriate institution, whether private or public, with which the Centre may make arrangements for that purpose; or

(b) at any other place approved by the Commission or Tribunal after consultation with the Secretary-General.

CHAPTER VIII**Disputes between Contracting States****Article 64**

Any dispute arising between Contracting States concerning the interpretation or application of this Convention which is not settled by negotiation shall be referred to the International Court of Justice by the application of any party to such dispute, unless the States concerned agree to another method of settlement.

CHAPTER IX**Amendment****Article 65**

Any Contracting State may propose amendment of this Convention. The text of a proposed amendment shall be communicated to the Secretary-General not less than 90 days prior to the meeting of the Administrative Council at which such amendment is to be considered and shall forthwith be transmitted by him to all the members of the Administrative Council.

Article 66

(1) If the Administrative Council shall so decide by a majority of two-thirds of its members, the proposed amendment shall be circulated to all Contracting States for ratification, acceptance or approval. Each amendment shall enter into force 30 days after dispatch by the depositary of this Convention of a notification to Contracting States that all Contracting States have ratified, accepted or approved the amendment.

(2) No amendment shall affect the rights and obligations under this Convention of any contracting State or of any of its constituent subdivisions or agencies, or of any national of such State arising out of consent to the jurisdiction of the Centre given before the date of entry into force of the amendment.

CHAPTER X**Final Provisions****Article 67**

This Convention shall be open for signature on behalf of States members of the Bank. It shall be open for signature on behalf of any other State which is a party to the Statute of the International Court of Justice and which the Administrative Council, by a vote of two-thirds of its members, shall have invited to sign the Convention.

Article 68

(1) This Convention shall be subject to ratification, acceptance or approval by the signatory States in accordance with their respective constitutional procedures.

(2) This Convention shall enter into force 30 days after the date of deposit of the twentieth instrument of ratification, acceptance or approval. It shall enter into force for each State which subsequently deposits its instrument of ratifications, acceptance or approval 30 days after the date of such deposit.

Article 69

Each Contracting State shall take such legislative or other measures as may be necessary for making the provisions of this Convention effective in its territories.

Article 70

This Convention shall apply to all territories for whose international relations a Contracting State is responsible, except those which are excluded by such State by written notice to the depositary of this Convention either at the time of ratification, acceptance or approval or subsequently.

Article 71

Any Contracting State may denounce this Convention by written notice to the depositary of this Convention. The denunciation shall take effect six months after receipt of such notice.

Article 72

Notice by a Contracting State pursuant to Articles 70 or 71 shall not affect the rights or obligations under this Convention of that State or of any of its constituent subdivisions or agencies or of any national of that State arising out of consent to the jurisdiction of the Centre given by one of them before such notice was received by the depositary.

Article 73

Instruments of ratification, acceptance or approval of this Convention and of amendments thereto shall be deposited with the Bank which shall act as the depositary of this Convention. The depositary shall transmit certified copies of this Convention to States members of the Bank and to any other State invited to sign the Convention.

Article 74

The depositary shall register this Convention with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

Article 75

The depositary shall notify all signatory States of the following :

- (a) signatures in accordance with Article 67 ;
- (b) deposits of instruments of ratification, acceptance and approval in accordance with Article 73 ;
- (c) the date on which this Convention enters into force in accordance with Article 73 ;
- (d) exclusions from territorial application pursuant to Article 70 ;
- (e) the date on which any amendment of this Convention enters into force in accordance with Article 66 ; and
- (f) denunciations in accordance with Article 71.

DONE at Washington, in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention.



สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

มาตรา ๘.

UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION

CHAPTER I

General Provisions

ARTICLE 1 SCOPE OF APPLICATION

- (1) This Law applies to international commercial arbitration, subject to any agreement in force between this State and any other State or States.
- (2) The provisions of this Law, except article 8, 9, 35 and 36, apply only if the place of arbitration is in the territory of this State.
- (3) An arbitration is international if :
- (a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or
 - (b) one of the following places is situated outside the State in which the parties have their places of business:
 - (i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;
 - (ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or
 - (c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.
- (4) For the purposes of paragraph (3) of this article:
- (a) if a party has more than one place of business, the place of business is that which has the closest relationship to the arbitration agreement;
 - (b) if a party does not have a place of business, reference is to be made to his habitual residence.
- (5) This Law shall not affect any other law of this State by virtue of which certain disputes may not be submitted to arbitration or may be submitted to arbitration only according to provisions other than those of this Law.

ARTICLE 2 DEFINITIONS AND RULES OF INTERPRETATION

For the purposes of this Law:

- (a) "arbitration" means any arbitration whether or not administered by a permanent arbitral institution;
- (b) "arbitral tribunal" means a sole arbitrator or a panel of arbitrators;
- (c) "court" means a body or organ of the judicial system of a State;
- (d) where a provision of this Law, except article 28, leaves the parties free to determine a certain issue, such freedom includes the right of the parties to authorize a third party, including an institution, to make that determination;
- (e) where a provision of this Law refers to the fact that the parties have agreed or that they may agree or in any other way refers to an agreement of the parties, such agreement includes any arbitration rules referred to in that agreement;
- (f) where a provision of this Law, other than in articles 25 (a) and 32 (2) (a), refers to a claim, it also applies to a counter-claim, and where it refers to a defence, it also applies to a defence to such counter-claim.

ARTICLE 3 RECEIPT OF WRITTEN COMMUNICATIONS

- (1) Unless otherwise agreed by the parties:
 - (a) any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address; if none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last-known place of business, habitual residence or mailing address by registered letter or any other means which provides a record of the attempt to deliver it;
 - (b) the communication is deemed to have been received on the day it is so delivered.
- (2) The provisions of this article do not apply to communications in court proceedings.

ARTICLE 4 WAIVER OF RIGHT TO OBJECT

A party who knows that any provision of this Law from which the parties may derogate or any requirement under the arbitration agreement has not been complied with and yet proceeds with the arbitration without stating his objection to such non-compliance without undue delay or, if a time-limit is provided therefor, within such period of time, shall be deemed to have waived his right to object.

ARTICLE 5 EXTENT OF COURT-INTERVENTION

In matters governed by this Law, no court shall intervene except where so provided in this Law.

ARTICLE 6 COURT OR OTHER AUTHORITY FOR CERTAIN FUNCTIONS OF ARBITRATION ASSISTANCE AND SUPERVISION

The functions referred to in articles 11 (3), 11 (4), 13 (3), 14, 16 (3) and 34 (2) shall be performed by ... [Each State enacting this model law specifies the court, courts or, where referred to therein, other authority competent to perform these functions.]

CHAPTER II ARBITRATION AGREEMENT

ARTICLE 7 DEFINITION AND FORM OF ARBITRATION AGREEMENT

(1) "Arbitration agreement" is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) The arbitration agreement shall be in writing. An agreement is in writing if it is contained on a document signed by the parties or in an exchange of letters, telex, telegrams or other means of telecommunication which provide a record of the agreement, or in an exchange of statements of claim and defence in which the existence of an agreement is alleged by one party and not denied by another. The reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement provided that the contract is in writing and the reference is such as to make that clause part of the contract.

ARTICLE 8 ARBITRATION AGREEMENT AND SUBSTANTIVE CLAIM BEFORE COURT

(1) A court before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party so requests not later than when submitting his first statement on the substance of the dispute, refer the parties to arbitration unless it finds that the agreement is null and void, inoperative or incapable of being performed.

(2) Where an action referred to in paragraph (1) of this article has been brought, arbitral proceedings may nevertheless be commenced or continued, and an award may be made, while the issue is pending before the court.

ARTICLE 9 ARBITRATION AGREEMENT AND INTERIM MEASURES BY COURT

It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a court an interim measure of protection and for a court to grant such measure.

CHAPTER III**COMPOSITION OF ARBITRAL TRIBUNAL****ARTICLE 10 NUMBER OF ARBITRATORS**

- (1) The parties are free to determine the number of arbitrators.
- (2) Failing such determination, the number of arbitrators shall be three.

ARTICLE 11 APPOINTMENT OF ARBITRATORS

- (1) No person shall be precluded by reason of his nationality from acting as an arbitrator, unless otherwise agreed by the parties.
- (2) The parties are free to agree on a procedure of appointing the arbitrator or arbitrators, subject to the provisions of paragraphs (4) and (5) of this article.
- (3) Failing such agreement,
 - (a) in an arbitration with three arbitrators, each party shall appoint one arbitrator, and the two arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the arbitrator within thirty days of receipt of a request to do so from the other party, or if the two arbitrators fail to agree on the third arbitrator within thirty days of their appointment the appointment shall be made, upon request of a party, by the court or other authority specified in article 6;
 - (b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, he shall be appointed, upon request of a party, by the court or other authority specified in article 6.
- (4) Where, under an appointment procedure agreed upon by the parties,
 - (a) a party fails to act as required under such procedure, or
 - (b) the parties, or two arbitrators, are unable to reach an agreement expected of them under such procedure, or
 - (c) a third party, including an institution, fails to perform any function entrusted to it under such procedure,

any party may request the court or other or other authority specified in article 6 to take the necessary measures, unless the agreement on the appointment procedure provides other means of securing the appointment.

(5) A decision on a matter entrusted by paragraph (3) or (4) of this article to the court or other authority specified in article 6 shall be subject to no appeal. The court or other authority, in appointing an arbitrator, shall have due regard for any qualifications required of the arbitrator by the agreement of the parties and to such considerations as are likely to secure the appointment of an independent and impartial arbitrator and, in the case of a sole or third arbitrator, shall take into account as well the advisability of appointing an arbitrator of a nationality other than those than those of the parties.

ARTICLE 12 GROUNDS FOR CHALLENGE

(1) When a person is approached in connection with his possible appointment as an arbitrator, he shall disclose any circumstances likely to give rise to justifiable doubts as to his impartiality or independence. An arbitrator, from the time of his appointment and throughout the arbitral proceedings, shall without delay disclose any such circumstances to the parties unless they have already been informed of them by him.

(2) An arbitrator may be challenged only if circumstances exist that give rise to justifiable doubts as to his impartiality or independence, or if he does not possess qualifications agreed to by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made.

ARTICLE 13 CHALLENGE PROCEDURE

(1) The parties are free to agree on a procedure for challenging an arbitrator, subject to the provisions of paragraph (3) of this article.

(2) Failing such agreement, a party who intends to challenge an arbitrator shall, within fifteen days after becoming aware of the constitution of the arbitral tribunal or after becoming aware of any circumstance referred to in article 12 (2), send a written statement of the reasons for the challenge to the arbitral tribunal. Unless the challenged arbitrator withdraws from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the challenge.

(3) If a challenge under any procedure agreed upon by the parties or under the procedure of paragraph (2) of this article is not successful, the challenging party may request, within thirty days after having received notice of the decision rejecting the challenge, the court or other authority specified in article

of its authority is raised during the arbitral proceedings. The arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

(3) The arbitral tribunal may rule on a plea referred to in paragraph (2) of this article either as a preliminary question or in an award on the merits. If the arbitral tribunal rules as a preliminary question that it has jurisdiction, any party may request, within thirty days after having received notice of that ruling, the court specified in article 6 to decide the matter, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal may continue the arbitral proceedings and make an award.

ARTICLE 17 POWER OF ARBITRAL TRIBUNAL TO ORDER INTERIM MEASURES

Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party, order any party to take such interim measure to protection as the arbitral tribunal may consider necessary in respect of the subject-matter of the dispute. The arbitral tribunal may require any party to provide appropriate security in connection with such measure.

CHAPTER V CONDUCT OF ARBITRAL PROCEEDINGS

ARTICLE 18 EQUAL TREATMENT OF PARTIES

The parties shall be treated with equality and each party shall be given a full opportunity of presenting his case.

ARTICLE 19 DETERMINATION OF RULES OR PROCEDURE

(1) Subject to the provision of this Law, the parties are free to agree on the procedure to be followed by the arbitral tribunal in conducting the proceedings.

(2) Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate. The power conferred upon the arbitral tribunal includes the power to determine the admissibility, relevance, materiality and weight of any evidence.

ARTICLE 20 PLACE OF ARBITRATION

(1) The parties are free to agree on the place of arbitration. Failing such agreement, the place of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of the case, including the convenience of the parties.

(2) Notwithstanding the provisions of paragraph (1) of this article, the arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts or the parties, or for inspection of goods, other property or documents.

ARTICLE 21 COMMENCEMENT OF ARBITRAL PROCEEDINGS

Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.

ARTICLE 22 LANGUAGE

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

ARTICLE 23 STATEMENT OF CLAIM AND DEFENCE

(1) Within the period of time agreed by the parties or determined by the arbitral tribunal, the claimant shall state the facts supporting his claim, the points at issue and the relief or remedy sought, and the respondent shall state his defence in respect of these particulars, unless the parties have otherwise agreed as to the required elements of such statements. The parties may submit their statements all documents they consider to be relevant or may add a reference to the documents or other evidence they will submit.

(2) Unless otherwise agreed by the parties, either party may amend or supplement his claim or defence during the course of the arbitral proceedings, unless the arbitral tribunal considers it inappropriate to allow such amendment having regard to the delay in making it.

ARTICLE 24 HEARINGS AND WRITTEN PROCEEDINGS

(1) Subject to any contrary agreement by the parties, the arbitral tribunal shall decide whether to hold oral hearings for the presentation of evidence or for oral argument, or whether the proceedings shall be conducted on the basis of documents and other materials. However, unless the parties have agreed that no hearings shall be held, the arbitral tribunal shall hold such hearings at an appropriate stage of the proceedings, if so requested by a party.

(2) The parties shall be given sufficient advance notice of any hearing and of meetings of the arbitral tribunal for the purposes of inspection of goods, other property or documents.

(3) All statements, documents or other information supplied to the arbitral tribunal by one party shall be communicated to the other party. Also any expert report or evidentiary document on which the arbitral tribunal may rely in making its decision shall be communicated to the parties.

ARTICLE 25 DEFAULT OF A PARTY

Unless otherwise agreed by the parties, if, without showing sufficient cause.

- (a) the claimant fails to communicate his statement of claim in accordance with article 23 (1), the arbitral tribunal shall continue the proceedings without treating such failure in itself as an admission of the claimant's allegations;
- (b) any party fails to appear at a hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the award on the evidence before it.

ARTICLE 26 EXPERT APPOINTED BY ARBITRAL TRIBUNAL

- (1) Unless otherwise agreed by the parties, the arbitral tribunal
- (a) may appoint one or more experts to report to it on specific issues to be determined by the arbitral tribunal;
 - (b) may require a party to give the expert any relevant information or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(2) Unless otherwise agreed by the parties, if a party so requests or if the arbitral tribunal considers it necessary, the expert shall, after delivery of his written or oral report, participate in a hearing where the parties have the opportunity to put questions to him and to present expert witnesses in order to testify on the points at issue.

ARTICLE 27 COURT ASSISTANCE IN TAKING EVIDENCE

The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a competent court of this State assistance in taking evidence. The court may execute the request within its competence and according to its rules of taking evidence.

CHAPTER VI

MAKING OF AWARD AND TERMINATION OF PROCEEDINGS

ARTICLE 28 RULES APPLICABLE TO SUBSTANCE OF DISPUTE

(1) The arbitral tribunal shall decide the dispute in accordance with such rules of law as are chosen by the parties as applicable to the substance of the dispute. Any designation of the law or legal system of a given State shall be construed, unless otherwise expressed, as directly referring to the substantive law of that State and not to its conflict of laws rules.

(2) Failing any designation by the parties, the arbitral tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.

(3) The arbitral tribunal shall decide *ex aequo et bono* or as *amiable compositeur* only if the parties have expressly authorized it to do so.

(4) In all cases, the arbitral tribunal shall decide in accordance with the terms of the contract and shall take into account the usages of the trade applicable to the transaction.

ARTICLE 29 DECISION-MAKING BY PANEL OF ARBITRATORS

In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made, unless otherwise agreed by the parties, by a majority of all its members. However, questions of procedure may be decided by a presiding arbitrator, if so authorized by the parties or all members of the arbitral tribunal.

ARTICLE 30 SETTLEMENT

(1) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

(2) An award on agreed terms shall be made in accordance with the provisions of article 31 and shall state that it is an award. Such an award has the same status and effect as any other award on the merits of the case.

ARTICLE 31 FORM AND CONTENTS OF AWARD

(1) The award shall be made in writing and shall be signed by the arbitrators. In arbitral proceedings with more than one arbitrator, the signatures of the majority of all members of the arbitral tribunal shall suffice, provided that the reason for any omitted signature is stated.

(2) The award shall state the reasons upon which it is based, unless the parties have agreed that no reasons are to be given or the award is an award on agreed terms under article 30.

(3) The award shall state its date and the place of arbitration as determined in accordance with article 20 (1). The award shall be deemed to have been made at that place.

(4) After the award is made, a copy signed by the arbitrators in accordance with paragraph (1) of this article shall be delivered to each party.

ARTICLE 32 TERMINATION OF PROCEEDINGS

(1) The arbitral proceedings are terminated by the final award or by an order of the arbitral tribunal in accordance with paragraph (2) of this article.

(2) The arbitral tribunal shall issue an order for the termination of the arbitral proceedings when:

- (a) The claimant withdraws his claim, unless the respondent objects thereto and the arbitral tribunal recognizes a legitimate interest on his part in obtaining a final settlement of the dispute;
- (b) the parties agree on the termination of the proceedings;
- (c) the arbitral tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible.

(3) The mandate of the arbitral tribunal terminates with the termination of the arbitral proceedings, subject to the provisions of article 33 and 34 (4).

ARTICLE 33 CORRECTION AND INTERPERTATION OF AWARD: ADDITIONAL AWARD

(1) Within thirty days of receipt of the award, unless another period of time has been agreed upon by the parties:

- (a) a party, with notice to the other party, may request the arbitral tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of similar nature;
- (b) if so agreed by the parties, a party, with notice to the other party, may request the arbitral tribunal to give an interpretation of a specific point or part of the award.

If the arbitral tribunal considers the request to be justified, it shall make the correction or give the interpretation within thirty days of receipt of the request. The interpretation shall form part of the award.

(2) The arbitral tribunal may correct any error of the type referred to in paragraph (1) (a) of this article on its own initiative within thirty days of the date of the award.

(3) Unless otherwise agreed by the parties, a party, with notice to the other party, may request, within thirty days of receipt of the award, the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award. If the arbitral tribunal considers the request to be justified, it shall make the additional award within sixty days.

(4) The arbitral tribunal may extend, if necessary, the period of time within which it shall make a correction, interpretation or an additional award under paragraph (1) or (3) of this article.

(5) The provisions of article 31 shall apply to a correction or interpretation of the award or to an additional award.

CHAPTER VII**RECOURSE AGAINST AWARD****ARTICLE 34 APPLICATION FOR SETTING ASIDE AS EXCLUSIVE RECOURSE AGAINST ARBITRAL AWARD**

(1) Recourse to a court against an arbitral award may be made only by an application for setting aside in accordance with paragraph (2) and (3) of this article.

(2) An arbitral award may be set aside by the court specified in article 6 only if:

- (a) the party making the application furnishes proof that:

- (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of this State; or
 - (ii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the award which contains decisions on matters not submitted to arbitration may be set aside; or
 - (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Law from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Law; or
- (b) the court finds that:
- (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
 - (ii) the award is in conflict with the public policy of this State.

(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the award or, if a request had been made under article 33, from the date on which that request had been disposed of by the arbitral tribunal.

(4) The court, when asked to set aside an award, may, where appropriate and so requested by a party, suspend the setting aside proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the arbitral tribunal's opinion will eliminate the grounds for setting aside.

CHAPTER VIII
RECOGNITION AND ENFORCEMENT OF AWARDS

ARTICLE 35 RECOGNITION AND ENFORCEMENT

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the duly authenticated original award or a duly certified copy thereof, and the original arbitration agreement referred to in article 7 or a duly certified copy thereof. If the award or agreement is not made in an official language of this State, the party shall supply a duly certified translation thereof into such language.

ARTICLE 36 GROUNDS FOR REFUSING RECOGNITION OF ENFORCEMENT

(1) Recognition or enforcement of an arbitral award, irrespective of the country in which it was made, may be refused only:

- (a) at the request of the party against whom it is invoked, if that party furnishes to the competent court where recognition or enforcement is sought proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
 - (ii) the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
 - (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, was

not in accordance with the law of the country where the arbitration took place;
or

(v) the award has not yet become binding on the parties or has been set aside or suspended by a court of the country in which, or under the law of which, that award was made; or

(b) if the court finds that:

(i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or

(ii) the recognition or enforcement of the award would be contrary to the public policy of this State.

(2) If an application for setting aside or suspension of an award has been made to a court referred to in paragraph (1) (a) (v) of this article, the court where recognition or enforcement is sought may, if it considers it proper, adjourn its decision and may also, on the application of the party claiming recognition or enforcement of the award, order the other party to provide appropriate security.



สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

DISPUTE RESOLUTION MECHANISMS FOR INTERNATIONAL TRADE IN THAILAND

| (As at Oct 96) | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | YTD |
|--|------|------|-------|-------|-------|-------|-------|---------|
| No. of Dispute | 1 | 7 | 10 | 10 | 13 | 17 | 18 | 69 |
| Quantum of Claims (in Million Baht) (in arbitration) | 12.5 | 55.1 | 1,056 | 1,067 | 6,479 | 204.2 | 817.4 | 9,691.2 |

Table 1 : Quantum of claims in Arbitration Cases

| (As at Oct 96) | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | YTD |
|--------------------------|------|------|------|------|------|------|------|-----|
| Shipping/Maritime | | | 1 | | | | 1 | 2 |
| Construction/Engineering | 1 | | 3 | 8 | 6 | 11 | 12 | 41 |
| Sales of Goods | | 3 | | | 2 | 2 | | 7 |
| Insurance | | | 2 | 1 | | 1 | | 4 |
| Joint Venture | | 3 | 2 | | 2 | 1 | 2 | 10 |
| Others | | 1 | 2 | 1 | 3 | 2 | 3 | 12 |

Table 2 : Category of Arbitration Cases

สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย

DISPUTE RESOLUTION MECHANISMS FOR INTERNATIONAL TRADE IN THAILAND

| (As at Oct 96) | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | YTD |
|--|------|------|-------|-------|-------|-------|-------|---------|
| No. of Dispute | 1 | 7 | 10 | 10 | 13 | 17 | 18 | 69 |
| Quantum of Claims (in Million Baht) (in arbitration) | 12.5 | 55.1 | 1,056 | 1,067 | 6,479 | 204.2 | 817.4 | 9,691.2 |

Table 1 : Quantum of claims in Arbitration Cases

| (As at Oct 96) | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | YTD |
|--------------------------|------|------|------|------|------|------|------|-----|
| Shipping/Maritime | | | 1 | | | | 1 | 2 |
| Construction/Engineering | 1 | | 3 | 8 | 6 | 11 | 12 | 41 |
| Sales of Goods | | 3 | | | 2 | 2 | | 7 |
| Insurance | | | 2 | 1 | | 1 | | 4 |
| Joint Venture | | 3 | 2 | | 2 | 1 | 2 | 10 |
| Others | | 1 | 2 | 1 | 3 | 2 | 3 | 12 |

Table 2 : Category of Arbitration Cases

สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย



ประวัติผู้เขียน

นายสถาพร มีสอาด เกิดเมื่อวันที่ 29 พฤษภาคม 2516 ที่จังหวัด อ่างทอง สำเร็จการศึกษาชั้นมัธยมศึกษาตอนปลายจากโรงเรียนพระโขนงพิทยาลัย กรุงเทพมหานคร สำเร็จนิติศาสตร์บัณฑิตจากจุฬาลงกรณ์มหาวิทยาลัย ในปีการศึกษา 2536 หลังจากนั้นได้เข้าศึกษาต่อในหลักสูตรนิติศาสตร์มหาบัณฑิตเมื่อ พ.ศ. 2537 ปัจจุบันเป็นนักกฎหมาย ที่บริษัท บางจากปิโตรเลียม จำกัด (มหาชน)



สถาบันวิทยบริการ
จุฬาลงกรณ์มหาวิทยาลัย