

KRAISORN LIANGSOMBOON : ENVIRONMENTAL DISPUTE SETTMENT BY
ARBITRATION. THESIS ADVISOR : ASSO. PROF.SUNEE MALLIKAMARL,
Ph.D., CO. ADVISOR : MR.VICHAI ARIYANANTAKA. 287 pp.
ISBN 974-584-695-3

This research has the objective to study the state of environmental dispute and its settlement; the dispute settlement by arbitration; and the possibility to adopt the arbitration system in settling the environmental dispute.

The study has found that the arbitration system has never been implemented to settle the environmental dispute owing to the obstruction of law and regulation and unknown of the arbitration system. Therefore, the research has recommended to amend the Enhancement and Conservation of the National Environmental Quality Act, B.E.2535 by adding a part of "Environmental Settlement" with the process as follows :

1. Negotiation within 30 days, if fails then go to
2. Conciliation within 60 days, if fails again then to arbitration unless to litigation within 30 days.

The structure of the arbitration has been also recommended to be "Tri-parties" i.e., government side; injured parties or their representatives; polluters or their representatives. Number and qualification of the arbitrators are considered on case by case basis upon to the necessity. The system should adopt through the Office of the Arbitration, Ministry of Justice. The public relationship of the arbitration system; the expansion of the department concerned; and the most importance is the decision of the arbitrators on the settlement shall be given in excess of the plaint, are also recommended.