

Abstract

The ships containing the ballast water are able to carry non-indigenous species, which are harmful from coast to coast, from country to country and from region to region. If there is no the appropriate control or management on the introduction of non-indigenous species through the ballast water and sediments of ships traveling internationally, such invasive species will significantly cause the problem on environment. Such a problem does not only affect any of countries, but it always impacts on many countries. The environmental problem is very important since its impacts that are widespread exists or happens to very great extent in country, in region as well as in global should it be neither solved nor protected in time. Consequently, its solution is to prevent the entry of such invasive species. To find out the above-identified solution, it is necessary to control and manage the ballast water and sediments of ships so as to prevent and decrease the risk of introduction of the non-indigenous species.

The International Convention for Control and Management of Ships' Ballast Water and Sediments 2004 as the "Umbrella Convention" internationally effective is to prevent and decrease the transcontinental movement of non-indigenous species and harmful disease. This Convention relies on the mechanism of international cooperation among member states relating to the exchange of information and permission system of such movement. Nevertheless, it should be noted that this Convention does not stipulate provisions concerning liabilities and compensation for inefficiently getting rid of the ballast water and sediments. Then, the following problems arise: (i) Who do the injured claim the compensation from? (ii) How much should the amount of compensation be?

This dissertation is to study, in accordance with the International Convention for Control and Management of Ships' Ballast Water and Sediments 2004, principles of controlling and managing the ballast water and sediments, which relate to the movement of non-indigenous species and harmful disease and such invasive species will continue to be a pervasive threat to all nations, their economy, sanitation and ecosystems. It is furthermore because Thailand might consider being a member of said Convention and subsequently Thailand would have to comply with all provisions thereof. Moreover,

according to the comparative study of the Convention and existing laws of Thailand relating to this matter, it appears that the existing laws of Thailand are neither clear nor sufficient in many aspects e.g. the procedure of permitting the management of ships' ballast water and sediments, the standard or guidelines for managing the ships' ballast water, reception facilities, etc. The relevant Thai law governing investigation of infringement and enforcement in this matter, moreover, does not fulfill the objectives of said Convention. Therefore, the amendment to such a law or new issuance of particular law for controlling and managing the ships' ballast water and sediments in order to protect against the introduction of harmfully non-indigenous species, which frequently affects ecosystems, economy sanitation of local residents. These issues are circumstantially considered.