

## Abstract

It cannot deny that in international trade until now carriage of goods by sea is a widely used mode of transport because carriage of goods by sea can load a large amount of goods. Moreover, most countries are located adjacent to sea. The vehicle for carrying goods is ship. At present, international organizations or international relevant authorities do not only intend to develop only the carriage of goods but also foresee the importance on protecting environment in the form of mutual practice, regulation, domestic law or international law in order to develop the international trade, particularly in goods transport and to preserve the sustainable natural resource.

When carriage of goods by sea plays a prominent role in international transport of goods, a number of ships used for carrying goods are increased, likewise. They are further improved their efficiency to be capable of carriage various kinds of goods. They may be used for carry general goods like rice, rubber sheet, etc or they may be used for carry dangerous goods like oil, electronic devices, dangerous chemical substances under various Conventions, etc. Preliminarily, international organizations or national organizations recognize the importance of monitoring on carriage of goods by sea in the issues relating to rights, duties and liabilities of related persons in carriage of goods by sea. Thereafter when there were mutual regulations concerning transport of goods, the volume of carriage of goods by sea have been increased instantly. This includes the carriage of dangerous goods by sea. From this point, it raises the problem when dangerous goods are damaged during the transport. For instance, both consignors and consignees will get effect from oil leaks oil leaks, either due to the unsuitable condition of a ship or due to seamen being unskilled in proper taking care of goods. In addition there is damage to environment at the site. This damage is drastic and difficult to remedy.

Hence, owing to the problem on transport of dangerous goods, international organizations made rules controlling the carriage of dangerous goods in order to prevent damage instead of specifying the remedy. The United Nations, one of the international organizations prescribing rules concerning carriage of dangerous goods,

made the Recommendations on the Transport of Dangerous Goods as a recommendation on transport of dangerous goods in every mode of transport. International Maritime Organization (IMO) drafted the International Maritime Dangerous Goods Code (IMDG) governing transport of dangerous goods by sea. Regarding national organizations, some countries such as China, Canada, Australia, etc. passed specific domestic laws to monitor dangerous goods. If Thailand is compared with other countries in Southeast Asia or in Asia which are adjacent to sea, it is considered as very slow development in vessel fleets for international transport because Thailand does not ratify many Conventions regarding maritime. As a result, it gets direct and indirect effects from many countries. If Thai ship goes through territorial waters of another State, direct effects are being inspected or arrested of sea-going ships or ordered to comply with international Convention which such State is a member State. The indirect effect is, for example, Thailand may be prohibited to do anything with the ship going through the territorial waters of Thailand even though Thailand is not a member State in the Convention mentioning such topic.

Therefore, the thesis considers whether there should be law in accordance with the rules in IMDG, the importance and effects which may happen to Thailand. Despite not having direct impact to international transport business, it is still considered as an important issue in the business of transport of dangerous goods by sea. This thesis also considers the existing laws and the consistency between domestic and international laws in order to internationally standardize Thai laws.

This thesis foresees this new problem of the said international rules. Thus, it recommends a revision of the existing laws by codifying existing regulations into one ministerial regulation issued under the Act on Navigation in Thai Waters, B.E. 2456 (1913). Furthermore, it should add more contents on responsible authority to let the Marine Department as the main authority as well as on deposit to cover possible damage. Lastly, it suggests amending provisions on punishment in the Act on Navigation in Thai Waters, B.E. 2456 (1913) in order to fit with current situation and suffice for enforcement.