

Chapter One: Overview of the Research on the Alternative Dispute Resolution in Thailand

This research is an undertaking by the Central Intellectual Property and International Trade Court in conjunction with the Institute of Developing Economies (JETRO-IDE) of Japan. Members of the working party for the research comprise of five judges from various courts of justice in Thailand, one Senior Public Prosecutor, six field researchers and two legal officers acting as secretariat and liaisons. Each member is assigned to write and lead a research on his/her expertise. A few meetings are conducted to interview players in each compartment of the legal profession. Field research in the form of questionnaires is conducted. All members are responsible for the final draft. *Justice Prasobsook Boondech*, Ex Chief Justice of the Central Intellectual Property and International Trade Court, now Senior Justice of the Supreme Court, has acted as the honorary advisor to the research program.

The present research will focus on legal and empirical analysis of ADR in Thailand. Three major areas are focused: consumer protection, labour disputes and environmental disputes. Dispute resolution in these areas need delicate, good understanding and almost tailor-made procedure effectively to redress the problems arisen. Most consumer protection regimes in the world are in the form of small claim court or tribunal whereby participation of the consumers themselves is encouraged but legal representation discouraged. Conciliation is somewhat seen as having better rate of success in that mode. It is almost like a DIY (Do it Yourself) dispute resolution. Labour disputes in Thailand is resolved through a panel of tri-partie judges: a career judge, a judge from the employers' associations and a judge from the employee's associations. The rate of success in conciliation in the Labour Courts of Thailand is phenomenal and exceeds the success in other courts of justice. Environmental Disputes on the other hand are quite new here. Dispute Resolution in environmental matters is at present rested in the traditional court system and procedure. However, the brighter side is that, Thailand has now more and more legal scholars in the field of environmental law. We only need them to switch their emphasis more on dispute resolution matters. This is exactly what this research is trying to achieve.

This research is classified into six chapters:

Chapter One: Overview of the Research on the Alternative Dispute Resolution in Thailand

Chapter Two: Alternative Dispute Resolution (ADR) Out of Court Dispute Resolution Mechanism

Chapter Three: Field Research on Alternative Dispute Resolution in Thailand

Chapter Four: Dispute Resolution Process in Consumers Protection

Chapter Five: Dispute Resolution Process in Labour Matters

Chapter Six: Dispute Resolution Process in Environmental Problems

We hope that this research will be able to make some contribution to the growing application of alternative dispute resolution in Thailand. However, three areas of concentration: consumer, environmental and labour protections are singled out for special treatment.

The opinions expressed in this research are those of the authors and do not necessarily represent or reflect the policy of the organizations attached by the authors.