

OPENING SPEECH

by
Justice Prasobsook Boondech
Supreme Court

Mr. Chairman,
Distinguished Guests,
Ladies and Gentlemen,

During my tenure in office as the Chief Justice of the Central Intellectual Property and International Trade Court, My colleagues and I had the honour of conducting a joint research with the Institute of Developing Economies on the topic of “*The Thai Judicial System: An Outlook for a New Century*”. It is my pleasure and privilege to welcome you all to the city of Bangkok for the Second Round-Table Meeting on Law, Development and Socio-Economic Change in Asia.

Although I am now with the Supreme Court, I treasure most highly my association with this Round Table and I am most delighted personally to welcome you today.

The past few years have been interesting years for Asia. We Asian people have certainly lived through interesting times. To cite a celebrated Chinese saying, “*we are living in an interesting time*”, is perhaps appropriate. In 1997 Thailand and many countries in Asia witnessed the transition of their economy from phenomenal success and double-digit or near double-digit growth of the past few earlier years to near collapse verging on the state of bankruptcy in many important financial and business sectors. Lawyers, like any other profession, bear the burden of bringing Asia out of this predicament. This is a time for re-thinking, re-planning and re-structuring our legal as well as our social, economic and political infrastructure.

Under the new Constitution promulgated in 1997, substantial changes have been made in Thai political, social and legal environments. A Constitutional Court has been established. The system of administrative courts has also been established. In the field of criminal justice system, a human right oriented approach is preferred to the traditional strict appliance of ‘law and order’ approach. In the field of civil justice system, case management by the judge and alternative dispute resolution (ADR) are encouraged.

I had the privilege of leading and managing the Central Intellectual Property and International Trade Court for the last two years. I felt the burden of our legal system to

cope with the economic crisis is to create a legal environment friendly to international trade and investment. The legal environment whereby legal rights, local and foreign, shall be equally protected and enforced under our law and our judicial system. The legal environment of good faith and trust worthiness. The legal environment that will lead us to the glory of international trade and investment and the recovery of our economy as a whole.

Alternative Dispute Resolution is a new terminology of an old concept. Non- aggressive, non-confrontational approach to dispute settlement has been the teachings and practice of eastern philosophers since time immemorial. It is only recently that the method of ADR has been the subject of critical and scientific analysis. Ironically it is the academics in the West who bring ADR, with its famous '*win-win solution*' trademark to world attention. Society, commerce and trade all over the world are the beneficiaries of alternative dispute resolution. In Thailand as well as everywhere in the world, ADR represents a refreshing approach to litigation.

Even in the courts of justice, conciliation is now widely practised throughout the country with encouraging figures of success. Cases at the appellate level may also be settled by conciliation. It is widely used in the civil courts in Bangkok, in the civil jurisdiction of provincial courts throughout the country, in the juvenile and family courts for cases concerning family law and succession, in the labour courts for cases of labour disputes and in the Central Intellectual Property and International Trade Court for cases of intellectual property and international trade disputes.

We are living in a more harmonized society. We are resorting to the more basic and societal-based dispute resolution methods. We are living in a smaller and closer-connected Asia. Hopefully we are leading towards a more peaceful society. May I have the honour of welcoming each one of you to the Second Round-Table Meeting on Law, Development and Socio-Economic Change in Asia.

Ladies and Gentlemen: I can assure you that Bangkok has more to offer than the Regent Hotel. Please have a nice time here and bring back with you good memories of Thailand. If there is anything I or my colleagues can do to you your stay here a more memorable one, please let me know. May I wish this conference every success it deserves.