

Editor's Note

Greetings from the Heart of Southeast Asia!

2015 sets a new corner stone for Thailand's International Law practitioners and academics as important regional instruments come into force, heralding the ASEAN Community's advance into economic integration. The expansion of this economic cooperation will inevitably increase the collaboration among international lawyers, both in the region and beyond. The International Law Association of Thailand (ILAT) is proud to have participated in organising the 5th Biennial Asian Society of International Law Conference in Bangkok in November 2015.

The *Thailand Journal of International Law* succeeds our Thailand Yearbook of International and Comparative Law. The *Journal* aims to promote the study, clarification and development of Public International Law, Community Law, Private International Law and Comparative Law, by publishing articles and works that address a wide range of international legal issues. It is hoped that the *Journal* will serve as a platform for academics and practitioners, regardless of their nationality, to express their views, especially those related to Thailand and the Asian context. We also hope that our work will stay abreast of new developments in this area amid an ever-changing global landscape. This idea is manifest in our first issue, which includes contributions from academics and practitioners, who are interested in diverse areas of International Law.

To begin with, in his speech entitled, '*One Hundred Years Retrospect – A Hundred Years Prospects: Public International Law*', Professor Vitit Muntarbhorn, a prominent Thai advocate of International Law, will take us travelling along the path of the relationship between Thailand and International Law in a time capsule, while observing the unrelenting changes in international legal systems.

Professor Dr. Adriana Dreyzin de Klor, the famous MERCOSUR arbitrator, has contributed her article entitled, '*Private International Law and Law of Integration*', as the first article. It aims to provoke integrationists in the ASEAN Community to be aware of potential issues in the ASEAN integration. This article finds resonance with that of Akawat Laowonsiri, which is entitled '*Making ASEAN a Rule-Based Community: Revisiting the Legal Fundamentals*', and which includes analytical views of legal aspects in conjunction with the theories of regional integration. His proposals are novel and challenging, which is expected to draw the attention of interested professionals.

Besides the Law of Integration, we received contributions from academics of Public International Law. For example, Associate Professor Kaku Shun presented his inside analysis of the expanding and forceful impact of International Law on the legitimacy of domestic law in his article entitled '*Law's Legitimacy in Distress: The Changing Structure of International Law-Making and Its Impacts on the Domestic Legal Order*'. Associate Professor Prasit Pivavatnapanich submitted his article entitled, '*Foreign Affairs in Thai Constitutional Provisions: A Comparative and International Study*', which consists of a thoughtful analysis of two dynamic issues, Constitution and International Law, although the former may not be as dynamic in other countries as it is in Thailand. In terms of the article of Aschara Chinniyompanich, entitled '*Thai NGO as a Watchdog: Is It Barking Loud Enough in Thailand's Environmental Litigation? – A Comparative Aspect*', this issue may have been clarified elsewhere, but not in Thailand. The author's analysis of the *status quo* touches upon

aspects of environmental litigation, which provides a thoughtful account for advocates of the work of both national and international NGOs.

The next part, Thailand's Features, includes a number of contributions to assist non-Thai speakers to comprehend different situations in Thailand. Professor Jayavadh Bunnag, as the ILAT Chairman and prominent Thai arbitrator, will alert us to certain peculiarities of the Thai arbitration law in his feature entitled, '*Cancellation of a Foreign Arbitral Award*'. It will be interesting to note the conflict between Thailand's arbitration law and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, of which Thailand is a member. Furthermore, in the area of commercial law, the article of Sinee Sang-Aroonsiri, entitled '*Corporate Social Responsibility Guidelines and Mandatory Information Disclosure in Thai Listed Companies: A Struggle to Comply with International Standards?*' provides a concise picture of this issue in Thailand in relation to international practices and regional frameworks. Moreover, the article of Dr. Panthip Pruksacholavit, entitled '*Incentives and Obstacles to the Implementation of ILO Convention No. 87: Labour Relations Provisions in the Thai Public Sector*', presents a view of the Thai Labour Relations Provisions from the perspective of the international labour standards of the ILO, which has rarely been discussed in Thailand. This is followed by the article of Tanongsak Mahakusol, entitled '*Keeping Law and Order of Slavery in Thai Finishing Industry: Towards International Recognition*', which is a topic on Thailand that is occasionally revealed in English. Further, we have received a case review from Phattharaphong Saengkrai, entitled '*Whaling in the Antarctic (Australia v Japan; New Zealand intervening) ICJ Judgement of 31 March 2014*', which provides a brief account of remarks on the merits of the judgement.

Moreover, note relates to a human rights issue presented by Dr. Jompon Pitaksantayothin in his article entitled '*The Right to Freedom of Expression under Article 10 of the European Convention on Human Rights*', which has often been discussed in European treatises and articles, but this time, it is addressed from the perspective of a Thai scholar. In addition to the note's section, Dr. Pawarit Lertdhamtewe has delivered an interesting observation in his note on the legal aspects of a typical topic for Thai IP lawyers in his article entitled, '*Developing Country's Sui Generis Options: Thailand's Sui Generis System of Plant Variety Protection*'.

These are 16 entries in our first issue of the *Journal*, which have been reviewed, commented on and edited through a course of collaboration by academics and practitioners from various institutions. Firstly, many thanks go to Professor Jayavadh Bunnag for his continued support as the ILAT chairman and for providing both formal and informal assistance in all aspects of the editorial works. We are also indebted to International Legal Counsellors Thailand (ILCT), for its support in providing a meeting place and staff. Many thanks go to Karinevidch Olivero, Nantika Tipayamontri and Margaret Combey, for their invaluable assistance and supports. Last, but not least, we are indebted to you, the readers, for your interest. All your comments and greetings are welcome. If you have any, please send them to <ThailandJIL@gmail.com>.

Warm Regards,

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