

Constitution of the Kingdom of Thailand

Amendment (No. 2)

B.E. 2554

BHUMIBOL ADULYADEJ, REX.

Given on the 3rd Day of March B.E. 2554

Being the 66th year of the Present King

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej is graciously pleased to proclaim that

As it is appropriate to amend the Constitution of the Kingdom of Thailand, the King is graciously pleased to enact “the Constitution of the Kingdom of Thailand. Amendment (No. 2) B.E. 2554 as follows:

Section 1. This Constitution is called “Constitution of the Kingdom of Thailand. Amendment (No. 2) B.E. 2554 (2011).”

Section 2. This constitution shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The provisions of section 190 of the Constitution of the Kingdom of Thailand shall be repealed and shall be replaced by the following provisions.

“Section 190. The King shall be invested with the prerogative to conclude the treaties of peace, treaties of armistice and other treaties with other countries or international organizations.

A treaty which provides for a change in the Thai territories or the Thai external territories that Thailand has sovereign right or jurisdiction over such territories under any treaty or an international law or requires the enactment of an Act for its implementation or affects immensely to economic or social security of the country or results in the binding of trade, investment or budget of the country significantly, must be approved by the National Assembly. In such case, the National Assembly must complete its consideration within sixty days as from the date of receipt of such matter.

Before the conclusion of a treaty with other countries or international organizations under paragraph two, the Council of Ministers must provide information thereon to the public, conduct public consultation and state information in relevant thereto to the National Assembly. In such case, the Council of Ministers must submit negotiation framework to the National Assembly for approval.

Upon giving signature to the treaty under paragraph two, the Council of Ministers shall, prior to give consent to be bound, facilitate the public to get access to the details of such treaty. In the case where the application of such treaty has affected the public

or small and medium entrepreneurs, the Council of Ministers must revise or render remedy to such effects rapidly, expediently and fairly.

There shall be a law determining types, negotiation framework, measure and procedure of the conclusion of a treaty having immense effects to economic or social security of the country or resulting in the binding of trade or investment of the country significantly and the revision or rendering of remedy to the effects of such treaty with due regard to the fairness among the beneficiaries, the affected persons and the general public.

A matter arising from the provisions of paragraph two falls within the jurisdiction of the Constitutional Court and the provisions of section 154(1) shall apply mutatis mutandis to the referring of the matter to the Constitutional Court.

Section 4. The laws that are inconsistent with section 190 of this Constitution of the Kingdom of Thailand. Amendment (No. 2) shall be enacted within one year as from the date this constitution is promulgated.

Countersigned by:

Abhisit Vejjajiva

Prime Minister

Remark :- The reasons for promulgation of this Amendment of the Constitution of the Kingdom of Thailand are as follows: Whereas the provisions of the Constitution of the Kingdom of Thailand determines that the treaties to be concluded by the Government and foreign states or international organizations that likely to extensively impacts the national economic or social security or result in the binding of trade, investment or budget considerably, there has been various understandings since no sufficient clarification is provided with respect thereto, thus the execution of the State's foreign policy is interrupted. It is expedient to amend such provisions so as to be clearer for the administration by enacting a law determining the details of the treaties which shall be submitted to the National Assembly for approval, thus it is necessary to enact this Constitution.