



APPENDICES

ลิขสิทธิ์มหาวิทยาลัยเชียงใหม่

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APPENDIX A

Constitution of the Kingdom of Thailand, B.E. 2540 (1997)

Chapter VII The Council of Ministers

Section 224. The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organisations.

A treaty which provides for a change in the Thai territories or the jurisdiction of the State or requires the enactment of an Act for its implementation must be approved by the National Assembly.

Constitution of the Kingdom of Thailand, B.E. 2550 (2007)

Part 12 Community Rights

Section 66. Persons so assembling as to be a community, a local community or a traditional community shall have the right to conserve or restore their customs, local knowledge, good arts and culture of their community and of the nation and participate in the management, maintenance, preservation and exploitation of natural resources, the environment and the biological diversity in a balanced and sustainable fashion.

Section 67. The right of a person to give to the State and communities participation in the conservation, preservation and exploitation of natural resources and biological diversities and in the protection, promotion and preservation of the quality of the environment for regular and continued livelihood in the environment which is not hazardous to his or her health and sanitary condition, welfare or quality of life, shall be protected as appropriate.

Any project or activity which may seriously affect the community with respect to the quality of the environment, natural resources and health shall not be permitted, unless, prior to the operation thereof, its impacts on the quality of the environment and on public health have been studied and assessed and a public hearing process has been conducted for consulting the public as well as interested persons and there have been obtained opinions of an independent organisation, consisting of representatives from private organisations in the field of the environment and health and from higher education institutions providing studies in the field of the environment, natural resources or health.

The right of a community to bring a lawsuit against a Government agency, a State agency, a State enterprise, a local government organisation or other State authority which is a juristic person for the performance of duties under this provision shall be protected.

Chapter IX The Council of Ministers

Section 190. The King has the prerogative to conclude a peace treaty, armistice and other treaties with other countries or international organisations.

A treaty which provides for a change in the Thai territories or extraterritorial areas over which Thailand has sovereign rights or has jurisdiction in accordance therewith or in accordance with international law or requires the enactment of an Act for the implementation thereof or has extensive impacts on national economic or social security or generates material commitments in trade, investment or budgets of the country, must be approved by the National Assembly. For this purpose, the National Assembly shall complete its consideration within sixty days as from the receipt of such matter.

Prior to taking steps in concluding a treaty with other countries or international organisations under paragraph two, the Council of Ministers shall provide information and cause to be conducted public hearings and shall give the National Assembly explanations on such treaty. For this purpose, the Council of Ministers shall submit to the National Assembly a framework for negotiations for approval.

When the treaty under paragraph two has been signed, the Council of Ministers shall, prior to the declaration of intention to be bound thereby, make details thereof publicly accessible and, in the case where the implementation of such treaty has impacts on the public or operators of small- or medium-sized enterprises, the Council of Ministers shall take steps in rectifying or remedying the impacts suffered by aggrieved persons in an expeditious, appropriate and fair manner.

There shall be the law on the determination of procedures and methods for the conclusion of treaties having extensive impacts on national economic or social security or generating material commitments in trade or investment and the rectification and remedying of impacts suffered by persons in consequence of the implementation of such treaties, having regard to justice to persons benefited and persons aggrieved by the implementation thereof as well as to general members of the public.

In the case where there arises a problematic issue under paragraph two, the power to make the determination thereon shall be vested in the Constitutional Court and, for this purpose, the provisions of section 154 (1) shall apply mutatis mutandis to the referral of the matter to the Constitutional Court.

APPENDIX B

Nationality Act, B.E. 2508 (1965) as amended by Acts B.E. 2535 No. 2 and 3 (1992)

Chapter 1

Acquisition of Thai Nationality

Section 7. The following persons acquire Thai nationality by birth:

- (1) A person born of a father or a mother of Thai nationality, whether within or outside the Thai Kingdom;
- (2) A person born within the Thai Kingdom except the person under Section 7 bis paragraph one.

Section 7. bis. A person born within the Thai Kingdom of alien parents does not acquire Thai nationality if at the time of his birth, his lawful father or his father who did not marry his mother, or his mother was:

- (1) the person having been given leniency for temporary residence Kingdom as a special case;
- (2) the person having been permitted to stay temporarily in the Kingdom;
- (3) the person having entered and resided in the Thai Kingdom without permission under the law of immigration.

In case the Minister deems it appropriate, he may consider and give an order for each particular case granting Thai nationality to any person under paragraph one, in conformity with the rules prescribed by the Cabinet.

The person who is born within the Thai Kingdom and has not acquired Thai nationality under paragraph one shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration unless an order is given otherwise according to the law on that particular matter.

APPENDIX C

Table 1 Chinese Companies involved with Dam Constructions inside Burma

Project	Capacity	Area	Involvement
Shweli I, II, III Cascade	1,420 megawatts	Shan State near the Chinese border	Yunnan Machinery & Equipment Import & Export Co. (YMEC), Yunnan Huaneng Lancang River Hydropower Development Co. and Yunnan Power Grid Co., Yunnan Joint Power Development Co. (YUPD)
Shweli I dam (Build-Operate-Transfer (BOT) project)	400 to 600 megawatts	Shan State near the Chinese border	At least two Sinohydro subsidiaries, Sichuan Machinery & Equipment Import & Export Co. and Ningbo Huyong Electric Power Material Co.
Seven large dams along the N'Mai Hka, Mali Hka, and Irrawaddy River	13,360 megawatts	Kachin State	China Power Investment Co., China Southern Power Grid Co., Yunnan Machinery & Equipment Import & Export Co. (YMEC), Changjiang Institute of Surveying, Planning, Design & Research
Yeywa dam	790 megawatts	Mandalay Division	China Gezhouba Group Co., Sinohydro, China International Trust and Investment Co. (CITIC) Technology Co., China National Electric Equipment Co., China National Heavy Machinery Co., and Hunan Savoo Oversea Water and Electric Engineering Co., China EXIM Bank.

Source: EarthRights International (2008: 5-6)

Table 2 Cumulative ADB Lending as of 31 December 2010 (and as of 31 December 2009 in case of Burma)

Sector	Thailand			China			Burma			Laos			Vietnam			Cambodia		
	Loans (no.)	Amount (\$ million)	% ^a	Loans (no.)	Amount (\$ million)	% ^a	Loans (no.)	Amount (\$ million)	% ^a	Loans (no.)	Amount (\$ million)	% ^a	Loans (no.)	Amount (\$ million)	% ^a	Loans (no.)	Amount (\$ million)	% ^a
Agriculture and Natural Resources	9	409.21	6.86	22	1,825.40	7.44	15	316.10	59.54	15	173.24	14.30	26	1,311.66	14.13	11	192.81	16.51
Education	5	160.72	2.69	-	-	-	-	-	-	5	82.20	6.79	12	460.50	4.96	6	123.00	10.53
Energy	30	1,876.61	31.44	37	3,587.71	14.62	4	26.80	5.05	16	323.32	26.69	11	2,033.99	21.91	6	120.77	0.34
Finance	12	1,044.50	17.50	8	600.72	2.45	2	20.00	3.77	6	79.00	6.52	10	502.00	5.41	8	90.30	7.73
Health and Social Protection	1	500.00	8.38	-	-	-	2	63.10	11.89	2	25.00	2.06	8	268.20	2.89	2	40.00	3.43
Industry and Trade	3	90.46	1.52	5	674.80	2.75	3	26.40	4.97	1	10.90	0.90	5	128.50	1.38	2	35.60	3.05
Public Sector Management	-	-	-	-	-	-	-	-	-	-	-	-	10	946.40	10.19	4	50.00	4.28
Transport and ICT	18	1,291.60	21.64	69	13,122.50	53.48	2	42.50	8.01	13	351.70	29.03	21	2,843.90	30.63	10	321.26	27.51
Water Supply and Other Municipal Infrastructure and Services	9	595.00	9.97	29	3,099.28	12.63	4	35.96	6.77	9	146.10	12.06	13	579.82	6.24	4	46.26	3.96
Multisector	1	1.38	0.02	13	1,626.20	6.63	-	-	-	1	20.00	1.65	6	210.00	2.26	3	147.80	12.66
Total	88	5,969.48	100.00	183	24,536.61	100.00	32	530.86	100.00	68	1,211.46	100.00	122	9,284.97	100.00	56	1,167.80	100.00

- = nil, ICT = information and communication technology.

a Total may not add up because of rounding.

Source: ADB Website: http://adb.org/Documents/Fact_Sheets, accessed July 12, 2011.

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