

**Information on Thailand's  
Committee on International Investment Protection**

**Background**

The Committee on International Investment Protection has been established under the Regulation of Prime Minister's office on Work Relating to International Investment Protection B.E. 2562 (2019). The Committee serves as a national overseeing body for the protection of international investments whose functions ranges from formulating policies on international investment protection, supervising implementation of Thailand's international investment agreements (IIAs), to preventing and settling international investment disputes.

The Regulation and establishment of the Committee are part of the Cabinet Resolution of August 1, B.E. 2560 (2017) which mandated the Ministry of Foreign Affairs and relevant agencies to assess and determine how to improve Thailand's international investment protection regime from policy as well as institutional perspectives given the recent trends concerning investor-State dispute settlement (ISDS) and Thailand's direct experiences on ISDS cases. Consequently, it was concluded that there was a need for a national overseeing body for the protection of international investments.

**Compositions**

Article 4 of the Regulation states that the Committee on International Investment Protection shall compose of the Deputy Prime Minister assigned by Prime Minister as the Chair, the Minister of Foreign Affairs, or a designated person, as the Vice Chair, and the civil-servant heads of relevant agencies (namely, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Agriculture and Cooperatives, Ministry of Transport, Ministry of Justice, Ministry of Public Health, Ministry of Industry, Office of the Council of State, Board of Investment of Thailand, Office of the Judiciary, Office of the Attorney General, Department of Trade Negotiations, Department of Business Development, Department of Treaties and Legal Affairs, Securities and Exchange Commission, Bank of Thailand, and Export-Import Bank of Thailand) as Committee members, including the Director-General of Department of International Economic Affairs as a Committee member and the secretary.

### **Duties and Responsibilities**

The Committee is tasked with the following:

1. propose and review policies, strategies, workplans, and negotiation positions related to international investment protection and agreements concerning international investment protection to the Cabinet or government agencies;
2. support, advise, and propose to government agencies how to execute the policy, strategy, workplan, and negotiation position, including how to implement IIAs and supervise such implementation;
3. propose and give opinion to the Cabinet or government agencies on revision, amendment, or termination of laws relevant to international investment protection;
4. propose approaches, measures, or mechanisms to prevent international investment dispute to government agencies;
5. provide approaches, consultations, or recommendations to resolve investment dispute, including settlement of dispute, mediation, conciliation, and provision of legal counsel;
6. propose and support studies and research on investment dispute; and
7. other endeavours to achieve the Regulation's objectives or as tasked by the Prime Minister or the Cabinet.

### **Sub-Committees and Working Groups**

Article 7 of the Regulation grants the power to the Committee to establish a sub-committee or working group to carry out the tasks assigned to it by the Committee. In this regard, the Committee has established 2 Sub-Committees, namely, 1) the Sub-Committee to supervise international investment protection, and 2) the Sub-Committee to prevent and resolve international investment disputes. The former focuses on policy perspective and the latter focuses on international investment dispute prevention.

Article 8 of the Regulation grants the power to the Committee to establish a working group in a case of an international investment dispute. The working group is tasked to work towards a resolution of the dispute, including consultation and negotiation with the disputing investor. The working group is to report and seek advice from the Committee as necessary.

### The Advancement achieved through the Committee

The Committee serves as an over-arching body established to oversee Thailand's policies, strategies, work plans, and negotiation positions regarding international investment protection. Its primary role is to ensure that interconnected issues are addressed consistently and in a well-coordinated manner. This aims to reduce the silo mentality of government agencies and raise awareness of Thailand's obligations under IIAs.

In addition, the Committee can also respond more quickly and provide suggestion in cases of ISDS dispute, and over time, create institutional know-how on international investment dispute resolution.

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