



DR. VILAWAN MANGKLATANAKUL

Thailand's Candidate to the International Law Commission (ILC) 2023-2027

Dr. Vilawan Mangklatanakul, Director-General, Department of Treaties and Legal Affairs, is a career diplomat who has been with the Ministry of Foreign Affairs of the Kingdom of Thailand since 1995. She has built her expertise in important areas of international law including diplomatic and State immunities, treaty law, intellectual property and international economic law. She also has a keen interest in alternative dispute settlement and international law on climate change.

As an avid practitioner, Dr. Vilawan has extensive experience on issues of diplomatic and State immunities, ranging from providing advices to cases in both home and foreign jurisdictions to drafting domestic legislation granting privileges and immunities to international organisations and participants of international conferences. At a regional front, she was actively involved in the negotiations of the Agreement on the Privileges and Immunities of the Association of Southeast Asian Nations (ASEAN).

Throughout her career, Dr. Vilawan has been applying her legal expertise for the benefit of international law development, particularly in the context of the UN Commission on International Trade Law (UNCITRAL) and the UN Conference on Trade and Development (UNCTAD). Her invaluable contribution in Working Group of UNCITRAL on arbitration has been widely recognized as Thailand continues its active role in reflecting perspectives of developing countries in the global initiative on the investor-state dispute settlement reform.

Dr. Vilawan has played a key role in the legal team of the Royal Thai Government in various international disputes, including the case concerning the request for interpretation of Temple of Preah Vihear judgment at the ICJ, WTO dispute settlement cases on Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines and Thailand – Subsidies concerning Sugar, and Thailand's investor-state arbitration cases. She also negotiated the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms, the Dispute Settlement Chapter in the Japan-Thailand Economic Partnership Agreement and in the FTA negotiations between Thailand and the United States. Furthering from her expertise in the field of dispute settlement, Dr. Vilawan successfully advocated for the establishment of Thailand's Committee on the Protection of International Investment to systematically manage investment arbitration cases.

As a continuation of her experience in international trade laws, Dr. Vilawan has developed great interest in other related issues including digital economy, the use of artificial intelligence as well as environmental issues and how they relate to various areas of international law. Among many other national committees that Dr. Vilawan belongs to on the domestic front, she is a member of the Committee on Law of the Sea and Maritime Boundaries of Thailand, deliberating on national policies on the law of the sea, including the important questions of climate change and its effects on sea-level rise and what the legal community could do to address environmental problems.

In academia, Dr. Vilawan gives lecture extensively on international law on the topics including treaty law, international trade, investment and dispute settlement. She has often been invited as speaker at various international conferences and seminars on the UN Convention on Contracts for the International Sale of Goods and international investment issues. She is currently member of the Board of Directors of Thailand Arbitration Center.

CURRICULUM VITAE
DR. VILAWAN MANGKLATANAKUL

Date of Birth: 13 July 1964
Family status: Married, with two children
Nationality: Thai
Current position: Director-General, Department of Treaties and Legal Affairs,
Ministry of Foreign Affairs of the Kingdom of Thailand

Education

1987 LL.B. Thammasat University
1989 Master of Laws (International Business Law), University of London,
United Kingdom
1997 Doctor of Philosophy in Law, University of London, United Kingdom

Professional experience:

2019-present Director-General, Department of Treaties and Legal Affairs
2018 Director-General, Department of International Economic Affairs
2015 Deputy Director-General, Department of Treaties and Legal Affairs
2014 Director, Office of Policy and Planning
2013 Director of Legal Affairs Division, Department of Treaties and Legal Affairs
2011 Director of International Law Development Division, Department of
Treaties and Legal Affairs
2008 Secretary to the Department of International Economic Affairs
2008 Counsellor, International Economic Policy Division, Department of
International Economic Affairs
2005 Counsellor, International Law Development Division, Department of
Treaties and Legal Affairs

Other Positions:

2020-present	Advisor to the Parliamentary Committee on the Impact of Thailand's Accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
2019-present	Member of the Committee on Anti-Money Laundering Office
2019-present	Member of the Malaysia-Thailand Joint Authority Board
2018-present	Member of the Board of Directors, Thailand Arbitration Center
2006-present	Co-supervisor/Dissertation Examiner, Graduate Programme of the Faculty of Law at various leading universities
1994-present	Guest Lecturer on international law at various leading universities in Thailand including Chulalongkorn University and Thammasart University
2003-2008	Associate Judge, Central Intellectual Property and International Trade Court of Thailand

International Conferences and Negotiations:

- Co-chair, Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy¹ Inaugural Senior Officials' Meetings, Bangkok, Thailand, 29 July 2019;
- Co-chair, High-level International Investment Agreements (IIAs) Conference 2018 - Going beyond IIAs: Fostering Coherence through Phase 3 of Reform, UNCTAD World Investment Forum, Geneva, Switzerland, 24 October 2018;
- Head of the Thai Delegation, 3rd Senior Officials Meeting of the Asia-Pacific Economic Cooperation, Port Moresby, Papua New Guinea, 19-20 August 2018;
- Head of the Thai Delegation to the 8th Bi-annual Meeting of the Indian Ocean Rim Association Committee of Senior Officials, Durban, South Africa, 30-31 July 2018;
- Head of the Thai Delegation, 34th Session of UNCITRAL Working Group III, Vienna, Austria, 27 November-1 December 2017;
- Vice-President, 56th Annual Session of the Asian-African Legal Consultative Organization, Nairobi, Kenya, 1-5 May 2017;
- Head of the Thai Delegation, 55th Annual Session of the Asian-African Legal Consultative Organization, New Delhi, India, 16-20 May 2016;
- Head of the Thai Delegation in the negotiation on the Treaty between Thailand and Hungary on Extradition, Bangkok, Thailand, 27-28 April 2016;

¹ Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS) is a cooperation framework among five countries in the river basins of Ayeyawady, Chao Phraya and Mekong – namely Cambodia, Lao PDR, Myanmar, Thailand and Viet Nam. ACMECS was initiated by Thailand in 2003 with the aim of narrowing economic development gaps and promoting sustainable growth in the Mekong sub-region. ACMECS Development Partners include Japan, Republic of Korea, United States, Australia, China and India.

- Lead negotiator in the negotiations on the agreements for promotion and protection of investments between Thailand and the United Arab Emirates, Thailand and Kuwait & Thailand and Mongolia, 2008-2013;
- Legal officer, the ASEAN High Level Legal Experts' Group meetings (HLEG), July 2008-2012;
- Lead negotiator for the Dispute Settlement Chapter in the negotiations on the Agreement between Thailand and Japan for an Economic Partnership (JTEPA), 2002-2004; the negotiations on FTA between Thailand and the United States, 2004-2005;
- Rapporteur, 39th Session of the United Nations Commission on International Trade Law (UNCITRAL) Working Group on Arbitration, United Nations, Vienna, Austria, 10-14 November 2003;
- Vice-Chairman, 35th Annual Session of the United Nations Commission on International Trade Law (UNCITRAL), United Nations, New York, USA, 17-28 June 2002;
- Delegate, United Nations Commission on International Trade Law (UNCITRAL), especially Working Group II on Arbitration and Working Group IV on E-Commerce, 1996-2002.

Selected Academic Writings:

- “Thailand’s First Treaty Arbitration: Gain from Pain, 2011” in *Investor-State Disputes: Prevention and Alternatives to Arbitration II, Proceedings of the Washington and Lee University and UNCTAD Joint Symposium on International Investment and Alternative Dispute Resolution, held on 29 March 2010 in Lexington, Virginia, USA*, UNCTAD, 2011, pp. 81-86;
- “From Colonization to Globalization From FCN (Treaties) to BIT: the Principle of Non-Discrimination”, *Saranrom Magazine Vol. 67*, 2010, pp. 75-78;
- *Study and Analysis of FTA: Legal Implication and Enforcement*, prepared for the Bank of Thailand, 2010;
- “Appellate Body and the role of judicial activism: necessity or choice?”, *Liber Amicorum in honour of Professor Dr. Arun Panupong*, Faculty of Law, Thammasat University, 2007, pp. 324-330;
- *Study of three UN Conventions: Research on Legal Structure for developing Strategic Cluster Partnerships*, prepared for the National Science and Technology Development Agency of Thailand, 2006;
- *Research on the Law of International Sale of Goods*, prepared for the National Research Council of Thailand, 2005;
- “UN Convention on Assignment of Receivables in International Trade”, *Journal of Intellectual Property and International Trade Law, 6th Anniversary Special Edition*, Central Intellectual Property and International Trade Court of Thailand, 2003, pp. 207-219.

Conferences/Workshops/Seminars:

- Speaker, “COVID Legal Drive - FDI Opportunities to Asia Pacific after COVID-19”, Asiajuris Webinar Series, 21 September 2020;
- Panelist, “COVID-19 responses by governments and their interaction with the current international investment law regime” and “Strategizing next steps for UNCITRAL ISDS reform”, *13th Annual Forum of Developing Country Investment Negotiators Webinar*, co-hosted by Department of International Economic Affairs, Ministry of Foreign Affairs of the Kingdom of Thailand, and the International Institute for Sustainable Development (IISD), 3 September 2020;
- Moderator, “Panel on the lack of predictability, correctness and coherence”, *Intersessional Regional Meeting on Investor State Dispute Settlement (ISDS) Reform*, organized by UNCITRAL Regional Centre for Asia and the Pacific and the Government of the Republic of Korea, Incheon, Republic of Korea, 10-11 September 2018;
- Panelist, “Rule of Law – Role in Attracting Trade and Investments in ASEAN Free Trade Agreements and Bilateral Investment Agreements in ASEAN Countries”, co-hosted by ASEAN Law Association and Council of ASEAN Chief Justices, Singapore, 25-28 July 2018;
- Speaker, “‘Nationality Shopping’ BIT by BIT: Thailand and Multinational Enterprises”, *Trade and Development Regional Forum 2016 – Sustainable Trade and Investment in Asia: Time for Actions*, organized by International Institute for Trade and Development (ITD), Geneva, Switzerland, 28-30 September 2016;
- Speaker, “Panel Discussion on CISG: Progress and Issues in implementation”, *Seminar on 35 Years of the CISG: Achievements and Perspectives*, organized by the UNCITRAL and the Government of Singapore, Singapore, 23-24 April 2015;
- Speaker, “Advancing Mediation in International Investment Disputes”, *107th American Society of International Law Annual Meeting*, Washington DC, USA, 3-6 April 2013;
- Moderator, *Seminar on Investor-State Dispute Settlement under the EU investment regime*, organised by the Ministry of Foreign Affairs of Thailand, the Royal Thai Embassy in Brussels and the Mission of Thailand to the European Union, Bangkok, Thailand, 27 March 2013;
- Speaker, “Does ACIA bring a new dimension to international investment agreements? Technical aspects of ACIA and implementation plan of ACIA”, *ASEAN-OECD Investment Policy Conference*, hosted by the ASEAN Secretariat, Jakarta, Indonesia, 18-19 November 2010;
- Panelist, “Experiences of Stakeholders in Investment Arbitration and Dispute Resolution - Pitfalls and Successes”, *Joint Symposium in International Investment Law and Alternative Dispute Resolution*, organized by UNCTAD and Washington and Lee University School of Law, Lexington, Virginia, USA, 29 March 2010;

- Keynote speaker, “Thailand’s Experience on Investor-State Dispute Settlement” and Commentator, “Expropriation”, *APEC-UNCTAD Regional Training Course on the Core Elements of International Investment Agreements in the APEC Region*, organized by the Secretariats of the Asia-Pacific Economic Cooperation (APEC) and UNCTAD and the Ministry of International Trade and Industry (MITI) of Malaysia, Kuala Lumpur, Malaysia, 15-19 June 2009;
- Speaker/Discussant, “Elements of investment liberalization”, *Forum for Developing Country Investment Negotiators*, co-hosted by the International Institute for Sustainable Development and the Centre on Asia and Globalisation, Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore, 1-2 October 2007.

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