

REPORT FROM THE EXCHANGE PROGRAM TO THAILAND (IASAJ 2016)

The Administrative Court of Thailand was inaugurated in 2001 and its establishment marked the introduction of the dual court system in Thailand. About the same time the reform of two administrative instances has also been implemented into the Polish legal system. Therefore, the exchange program organized by International Association of the Supreme Administrative Jurisdictions (IASAJ) was a great opportunity to familiarize and compare those two distant yet similar administrative systems.

For my exchange program we have chosen the period from 21 November till 2 December 2016. Fortnight allowed me to fully participate in the court activities, which helped me to understand better how the Thai judicial system works. This would not have been possible without help from my personal assistant for that time Ms Kanchana Leelacharaskul, who came to pick me up from the airport. Ms Kanchana and an interpreter, Mr Kirapak Polphruks, have been accompanying me throughout my visit, which was of invaluable support to me. The irreplaceable Director of Foreign Affairs Bureau – Mr Kongphop Sukijbumrung along with his deputy and henchman Ms Siriwan Kitivejakul, have made all this possible.

Every day in Thailand was well-organized by a great number of judges and court staff. They have welcomed me beyond hospitably and made sure that my program was filled with informative meetings, activities and visits.

VISITS AND MEETINGS

During my visit in Thailand I have been introduced to the President of the Supreme Administrative Court in Bangkok, judge Piva Patangta. Two vice-presidents of the Court are Vorapot Visrutpich and prof. dr. Charnchai Sawangsagdi, the president of the Tax Chamber – judge Slaikate Wattanapan and the president of the Budget and Finance Chamber, member of the National Council of Administrative Justice of Thailand, and the current vice-president – judge Vishnu Varunyou (with whom I had a pleasure to meet in Poland, when he was on his own exchange program). Moreover, with Chuchart Asvaroj, a judge of the Tax Court, we have had a discussion on the most common tax issues that occur frequently in both countries.

Additionally, I have participated as an audience in a hearing before the Supreme Administrative Supreme Court in Bangkok. I have also visited the Central

REPORT FROM THE EXCHANGE PROGRAM TO THAILAND (IASAJ 2016)

Administrative Court in Bangkok and the Administrative Court in Petchburi. During the meetings with particular members of the Supreme Administrative Court in Thailand and administrative courts we had a chance to consider and elaborate on various aspects of administrative judiciary, the structure and organization of the courts, the rules of the process in both countries. In particular, we have discussed about the excessive length of judicial proceedings, both in Thailand and in Poland.

During the exchange program I have also had a chance to visit the Supreme Court of Justice, where we have had a chance to thoroughly discuss women's rights and their status as judges of Thailand, with judge-moderator Saithip Sukhatiphan.

Moreover, I have had an unprecedented chance to meet with the President of the Constitutional Court of Thailand – Nurak Marpraneet and other Constitutional Court judges. Furthermore, during my exchange, I have also had an opportunity to meet with Thai Ombudsman and the Chairman of the National Human Rights Commission in Thailand – What Tingsamitr and the Commissioner of the Organization – Anghana Neelapijit. We have discussed the work of these institutions in relation to the protection of the rule of law.

FINDINGS

What has struck me the most is the enormous involvement and commitment of all the judges that I have had a pleasure to get acquainted to, as well as the court staff, to the assignments and responsibilities that their work requires.

The enormous number of the cases that are filled to administrative courts requires formalizing the proceedings to a great extent. Moreover, judges have to directly take the evidence, which consequently increases the workload for judges and the staff. Nonetheless, proceedings are carried out without unnecessary delays, which deserves recognition. Judges also sometimes make the effort to make examinations outside the Court building, which should be appreciated.

Surprisingly, judges (who go to work each day for several hours) and staff members, have the possibility to rejuvenate and relax in the swimming pool, the gym or badminton pitch. On the Court's playground from time to time, sport tournaments are organized. There is also a small place for contemplation (little sanctuary), which also is a way to take break from this challenging job for a few moments.

REPORT FROM THE EXCHANGE PROGRAM TO THAILAND (IASAJ 2016)

Additionally, Thai courtrooms are always prepared with great aesthetics and details, which exceeds greatly the conditions in Poland. Also, everyone's propriety is outstanding.

The Court's library is impressive and I could not help but be somewhat envious of the convenience and coziness of it. There I had a chance to read about the great person and leader – king Bhumibol Adulyadej, who served the country and let it to prosperity and sustainability.

In the Court there is also a museum nurturing the reverence and remembrance of independent judiciary, which is a great way to cherish the achievements of legal system, judiciary and justice.

CONCLUSION

Thai legal and judicial system has been westernized and modernized almost a century ago. The effects of that enormous transformation are greatly visible and worthy of appreciation. Despite differences, both Thailand and Poland share same struggles and problems, such as the length of the procedures, workload and the amplitude of justifications. Thai Supreme Administrative Court should however be a model for Polish Court in several aspects mentioned above. Additionally, almost everyone is fluent in English, which still is a problem not only in Polish Courts but also Poland as such.

This exchange program enabled me to understand better that despite the differences (cultural, social, historical) we share identical values and principles – we all strive for justice at the end of the day. My conclusion is, that both Thailand and Poland have a long way to go to reach the ultimate goal of quick and effective proceedings, balancing the workload and of course in the field of non-discrimination and equality, where there is always room for improvement. The perspective is promising for both countries, especially with the development and access to the Internet, which hopefully will positively impact the judicial system.

Lastly, I feel enriched by the experience and hoping for the co-operation with Thai Supreme Administrative Court, because I am sure that we could learn from each other and grow towards the principle of rule of law and justice for all.

REPORT FROM THE EXCHANGE PROGRAM TO THAILAND (IASAJ 2016)

On more personal note, I wanted to mention amazing friendships that I have made during my stay in Thailand, especially judge Saithip and judge Vishnu, who I hope to host sometime in the near future in Poland.

dr. Małgorzata Wolf-Kalamala
Supreme Administrative Court of Poland, judge
Financial Chamber