

Dr Same Varayudej's CV

CURRICULUM VITAE

Name: Dr. Same **VARAYUDEJ**
Address: 3 Bill Watson Court
Armidale, NSW 2351
Telephone: (02) 6773 3806 (Business)
0402 333 282 (Mobile)
Fax: (02) 6773 2580

Education and Training

Academic Qualifications: (1) LLB (Second Class Honours), Thammasat University, Bangkok, Thailand, 1977
(2) Barrister-at-law (passing Thai Bar Association's examination, 1977)
(3) LLM, University of Sydney, 1982.
(4) PhD in law, University of Sydney, 1994.

Professional Qualification: Barrister-at-law, Thai Bar Association.

Academic Employment History

1995 - the present Tenured Lecturer in Law, Higher Degree Research (HDR) and International Coordinators, School of Law, University of New England

During 1995-2014 I have successfully coordinated the following subjects:

- LS 351 Corporation Law;
- LS 334 Banking and Finance Law;
- LS 361 Public International Law;
- LS 400 Honours in Law
- LS 473 Advanced Corporation Security Law;
- LLM 604 Securities and Financial Services Law;
- LLM 625 International Trade Law;
- GSB 749 Law of Commercial Associations for the MBA Program;
- GSB 695 International Business Law for the MBA Program;
- Legal Research Projects.

I have been responsible for supervising several successful PhD and postgraduate research dissertations and numerous honours theses in the areas of Corporations Law, Corporate Governance and Social Responsibility, International Trade Law, Fisheries Law, Law of the Sea and Public International Law, for example:

- Principal supervisor of Ms Jittasuphang Tontipiromya on 'The Public Policy Exception to the Recognition and Enforcement of Foreign Arbitral Awards', commencing candidature in July 2013
- Principal supervisor of Professor John Tarrant on 'Reinstatement of Deregistered Companies; The need for reform', commencing candidature in July 2013
- Principal supervisor of Mr Pongsit Aroonratanakul on 'Company Directors' Personal Liability for Insolvent Trading in Thailand', commencing candidature in March 2013;

Dr Same Varayudej's CV

- Co-supervisor of Mr Watis Sotthibandhu on 'The Role of the Thai Securities and Exchange Commission in the Securities Regulation Reform for ASEAN Regional Integration' in December 2013
- Co-supervisor of Mr Martin Matasi on 'The African Court of Justice and Human Rights on the Protection of Human Rights in Africa: towards Achieving an Effective Institution for Human rights Protection', commencing candidature in February 2012
- Co-supervisor of Panumas Kudngaongarm on 'Protecting Intellectual Property in Thai Traditional Medicine' (PhD thesis), awarded the degree of Doctor of Philosophy on 10th April 2010
- Philip Sinwah Chill, *Comparative Study on Proper Allocation of Powers between Directors and Shareholders* (LLM Dissertation, 2005)
- Matthew Considine, *In Search of Principles that Underpin the Doctrine of Piercing the Corporate Veil* (LLB Honours Thesis, 2004)
- Maeve Doyle, *The Duties of Directors in Australia: Is There Room for Corporate Social Responsibility?* (LLB Honours Thesis, 2004)
- Reiko Miyata, *Regulation of Corporate Group Liquidation: Options for Reform* (LLB Honours Thesis, 2004)
- Levente Jurth, *Islamic (Shari'a) Commercial Law: Its Implications for Australian Businesses* (LLB Honours Thesis, 2002)
- Aaron Goonrey, *The Illegality of Nuclear Weapons in Contemporary International Law* (LLB Honours Thesis, 2000)
- Melvin Loh, *All Necessary Means: The Role of The United Nations in Undertaking Military Enforcement Action against Gross Systematic Violations of Human Rights* (LLB Honours Thesis, 2000)

In addition, as evidence of my expertise in Law of the Sea and Fisheries Law, I have been invited to act as the examiner of PhD theses in these areas including:

- Examiner of a PhD thesis on *International Legal and Normative Framework for Responsible Fisheries, with Reference to Malaysia's Offshore EEZ Fisheries Management* by Mohammad Zaki Ahmad, submitted to the Faculty of Law, University of Wollongong in March 2011
- Examiner of a PhD thesis on *An Analysis of Legal Issues Relating to Navigational Rights and Freedoms through and over Indonesian Waters* by Kresno Buntoro, submitted to the Faculty of Law, University of Wollongong in January 2010
- Examiner of a PhD thesis on *Combating Illegal, Unreported Fishing in Indonesian Waters: The Need for Fisheries Legislative Reform*, submitted to the Faculty of Law, University of Wollongong in August 2006;
- Examiner of a PhD thesis on *China's implementation of International Fisheries Law*, submitted to the Faculty of Law, University of Wollongong in October 2004;
- Examiner of a PhD thesis on *The Impact of Extra Legal Factors on the Historical Development of International Fisheries Law*, submitted to the Department of Law, University of Tasmania in August 1996;
- Refereeing articles for the *Melbourne Journal of International Law*, and the *Melbourne University Law Review* in 2001

Publications

Book

- Varayudej, S and Brohmer, J, (eds), *Comparative Constitutionalism: Eighty Years of Constitutional Reform and Democratic Developments in Thailand* (P Press Ltd, Bangkok, 2014) ISBN: 978-616-361-271-1.

Book chapters

- Varayudej, S, 'Two-Pronged Right to Development and Climate Change: Reciprocal Implications', forthcoming in Ottavio Quirico and Mouloud Boumghar (eds), *Climate Change and Human Rights: an International and Comparative Law Perspective* (Routledge, 2015)
- Varayudej, S, 'The Quest for Constitutionalism, the Rule of Law and Democracy in Thailand', in Varayudej, S and Brohmer, J, (eds), 2014, *Comparative Constitutionalism: Eighty Years of Constitutional Reform and Democratic Developments in Thailand* (P Press Ltd, Bangkok, 2014) 1-46.
- Varayudej, S, 'The Rule of Law and Amnesties in Thailand: A Comparative Study' in Varayudej, S and Brohmer, J, (eds), 2014, *Comparative Constitutionalism: Eighty Years of Constitutional Reform and Democratic Developments in Thailand* (P Press Ltd, Bangkok, 2014) 133-151.
- Varayudej, S, 'Constitution-Making and Consensus Building Process for True National Reconciliation In Thailand' (in Thai) in Varayudej, S and Brohmer, J, (eds), 2014, *Comparative Constitutionalism: Eighty Years of Constitutional Reform and Democratic Developments in Thailand* (P Press Ltd, Bangkok, 2014) 153-165.
- 'Thailand's Legal System and Business Law', in Alice E-S Tay (ed), *East Asia – Nation-building, Human Rights and Trade*, (Nomos, Baden-Baden, Germany 1999) 538-598.

Journal articles

- 'Can Sunday's Poll be Honest and Fair One?', Bangkok Post, 31 January 2014, at 11
<<http://www.bangkokpost.com/opinion/opinion/392421/can-sunday-poll-still-be-an-honest-and-fair-one>>
- 'A Right to Democracy in International Law: Its Implications for Asia', (2006) 12 *Annual Survey of International & Comparative Law* 1-17.
- 'Impact of Globalisation on Global Poverty: The Roles of the IMF, the World Bank and the WTO' (2006) 35(1) *Thammasat Law Journal* 163-188.
- 'Company Directors' Duties under the Good Corporate Governance Systems and Lessons from the Pin Chakkaphak Case', 32 (2002) *Thammasat Law Journal* 54-67.
- 'Law Reform must follow Pin case: Thailand's system of corporate law must be revamped', *The Nation* (Bangkok), 20 August 2001, 5A.
- 'Good corporate governance', Bangkok Post (Bangkok), 5 May 2001, <http://www.bangkokpost.com/today/050501_News27.html> at 5 May 2001.
- 'China's Intrusion in Thai Domestic Affairs Sets a Bad Precedent', *The Nation*, 2 March 2001,

<<http://electricasia.com/backissue/Friday/letter.shtml?Friday&02032001&L1.txt>> at 2 March 2001.

- 'WTO: Its Impact on Developing Countries', 9 (1997) *Sukhothai Thammathirat Law Journal* 89-95.
- 'The Dispute Settlement System within UNCLOS', 95 (1997) *Maritime Studies*, No. 95 (July/August 1997), at pp.19-26.
- 'Strafing of Thai Trawler by the Malaysian Navy Was the Excessive Use of Force', *The Nation* (Bangkok), 2 January 1996, p. 5.
- 'Fisheries Law Enforcement and Maritime Hot Pursuit', in (1995) *The Research Report of the University of New England* 15-16.

Published refereed conference papers

- 'Rule of Law, Democracy and Development in a Sustainable Asia: A Comparative Perspective', published in the Proceedings of the 8th *Asian Law Institute Conference: Law in a Sustainable Asia*, held at the Faculty of Law, Kyushu University, Kyushu, Japan on 26-27 May 2011.
- 'The Constitutional Court of Thailand: Its role in Protecting the Rule of Law and Democracy', published in the Proceedings of the 6th *Asian Law Institute Conference: Dynamics of Change in Asia*, held at the Faculty of Law, University of Hong Kong, from 29 and 30 May 2009.
- 'Constitutionalism and the Rule of Law in Thailand', published in the Proceedings of the 5th *Asian Law Institute Conference* held at the Faculty of Law, National University of Singapore, Singapore, 22-23 May 2008.
- 'Good Governance and Constitutionalism in the Digital Age: Thailand's Experience', published in the Proceedings of the 2007 *ALIN International Academic Conference*, held at the Faculty of Law, Chulalongkorn University Bangkok, Thailand, 6-7 December 2007, 369-388.
- 'Global Challenges to Fisheries Trade: A Case of Thailand', published in the Proceedings of the 3rd *Asian Law Institute Conference*, 25-26 May 2006, Shanghai, China, vol 1, 88-97.

Conference and Seminar Papers

- 'Judicial Review of Constitutional Amendments: Who will Guard the Guardians?', presented at a symposium on 'The Thai Constitutional Court: Is it above or under the Constitution' held at the Faculty of Law, Chiang Mai University on 12 December 2013
- 'Legitimacy of the Constitutional Court's Intervention in the Legislative Process', presented at the Faculty of Law's Seminar on *The Rule of Law and Constitutionalism in Thailand*, hosted by the Faculty of Law, Chiang Mai University on 25 June 2013
- 'The Rule of Law, Constitutionalism and Judicialization of Politics: Legitimacy of the Judicial Review of the Legislative Process', presented the Conference on *The Role of the Constitutional Court in the Legislative Process*, hosted by the School of Law, Sukhothai Thammathirat Open Universities, Thailand, on 21 June 2013
- 'The Rule of Law, Constitutionalism and Judicialization of Politics in Thailand', presented at the Faculty of Law's Seminar on *Thailand's*

Constitutional Court and the Law Making Process, hosted by the Faculty of Law, Ramkhamhaeng University, Thailand, on 18 June 2013

- ‘Constitutionalism, the Rule of Law and Democratic Governance as Fundamental Institutions for Legitimacy and Conflict Resolution in Thailand’, presented to the Conference on *Constitutionalism and Rule of Law in Thailand*, hosted by the School of Law, Sukhothai Thammathirat Open Universities, Thailand, 7 December 2012.
- ‘Constitution-Making and Consensus Building Process for True National Reconciliation in Thailand’, presented to the Symposium on *The Rule of Law and Political Amnesty*, hosted by the School of Law, Sukhothai Thammathirat Open Universities, Thailand, 22 June 2012.
- ‘The Rule of Law and Amnesties in Thailand: A Comparative Study’, presented at the Conference on *The Rule of Law and Political Amnesty*, hosted by the School of Law, Sukhothai Thammathirat Open Universities on 23 December 2011
- ‘The Quest for Constitutionalism, the Rule of Law and Democracy in Thailand’, presented at the Conference on *Comparative Constitutionalism: Constitutional Reform and Democratic Developments in Thailand*, hosted by the School of Law, Sukhothai Thammathirat Open Universities on 23 June 2011
- ‘Constitutional Reform as a Vital Tool to Promote Good Governance and Democracy in Thailand’, presented at the Symposium hosted by the School of Law, Sukhothai Thammathirat Open Universities, on 23 December 2010
- ‘The Rule of Law, Democratic Governance and Constitutionalism in Thailand’ (presented at the conference hosted by the School of Law, Sukhothai Thammathirat Open Universities, on 20 December 2009)
- ‘The Rule of Law and Democratic Governance in Asia: A Comparative Perspective’ (presented at Oxford Round Table, Oxford University, UK, 4 August 2008)
- ‘An International Regime for the Conservation and Management of Deep Seabed Genetic Resources beyond National Jurisdiction’ (presented at the Centre for Maritime Policy, Faculty of Law, University of Wollongong, 14 February 2006).
- ‘Is there a Right to Democracy in International Law?’, presented at the International Law Society, School of Law, Golden Gate University, San Francisco, USA, 29 September 2005).
- A Right to Democracy in International Law: Its Implications for Asia, (presented at the 2nd Asian Law Institute Conference, Faculty of Law, Chulalongkorn University, Bangkok, Thailand, 26-27 May 2005).
- ‘Corporate Governance and Corporate Responsibilities under the Australian Corporate Law’, (Paper presented at the School of Law, Sukhothai Thammathirat Open University, Nonthaburi, Thailand, 10 February 2004).
- ‘Globalisation and Global Poverty: Is there an Obligation to Help the Third World Countries’, (presented at the Faculty of Economics, University of Chiang Mai, Thailand, on 4 February 2004).
- ‘Australian Corporations Law as a Model for Thailand’s Corporate Law Reform’, (presented at the Ministry of Commerce of Thailand, Bangkok, on 9 January 2002).

Dr Same Varayudej's CV

- 'Duties of Directors under Good Corporate Governance Systems' (presented at the Faculty of Law, Thammasat University, Bangkok, Thailand, on 20 December 2001).
- 'The Principles of Good Corporate Governance: A Comparative Perspective' (presented at the Registration Office, the Ministry of Commerce of Thailand on 6th December 2001).
- 'Directors' Duties and the New Statutory Business Judgment Rule in Australia' (Paper presented at the Faculty of Law, Thammasat University, Bangkok, Thailand, on 13 September 2001).
- 'Corporate Governance and Duties of Company Directors: The Comparative Approaches of Australian and Thai Laws' (Paper presented at the seminar held by the School of Law, Sukhothai Thammathirat Open University, Bangkok, on 15th December 1999).
- 'The New Statutory Business Judgment Rule: Its Impact on the Standard of the Duty of Care of Company Directors', (Paper presented at the School of Law at Northern Territory University, 12 November 1998).
- 'The Dispute Settlement System within UNCLOS and the Role of NGOs in Resolving Maritime Disputes' (Paper presented to the International Conference on *Navigation Rights and Freedoms - Contemporary Challenges and Tensions*, hosted by Centre for Maritime Policy and Australian Centre for Environmental Law, University of Wollongong, 3-4 April 1997).
- 'The Entry into Force of the Law of the Sea Convention and its Ramifications for Thailand' (Paper presented at **SEAPOL** Seminar held at Chulalongkorn University, Bangkok, 16 November 1994, published in Bangkok Newspapers on 17 November 1994).
- 'Deep Seabed Mining: Its Impact on Australian Mining Industries' (Paper presented at the Faculty of Law Seminar, University of New South Wales, April 1994).