



VIAC



ANNUAL
REPORT |

2018



MESSAGE FROM THE SECRETARY GENERAL 2019

Dear all,

It somehow is always one of the most special time of the year to me, at a very late afternoon in year-end days, I was sitting at my desk and flipping through the 2018 Report of Vietnam International Arbitration Centre (VIAC) with full of statistics, assessments on drawbacks, suggestions on renovation and new ideas for the coming 2019. And, I am so proud when typing this letter to all of you – who have been following up our activities, being our valued partners in so many events/training courses that we have jointly hosted and organized, being our kind and generous supporters in all aspects of our operation towards our goals of (i) being the model institution in Vietnam that professionally provides arbitration and mediation services with international standards to the business community and (ii) being the institution at the Vietnam Chamber of Commerce and Industry that proactively contributes to the promotion of ADR for a better business environment of an integrating Vietnam.

2018 was an extremely busy year of VIAC with 150% effort of us to make it a remarkable 25th anniversary of the Vietnam International Arbitration Centre (1993-2018). Our caseload has reached a new peak of 180 new cases administered by VIAC – the highest number in our 25 years of operation with the total value in dispute at ~ VND 9.5 Tril (~USD 407 Mil) and the biggest case with the involvement of ~USD 145.2 Mil in dispute.

Said numbers together with the USD 250 Mil case and over USD 100 Mil cases that VIAC had administered in previous years, again, reaffirm that VIAC is gradually being a reliable name for parties to refer their complex and hundred-mil-USD disputes to for resolution.

2018 was the year of mediation with the launching of Vietnam Mediation Centre (VMC), a division of VIAC to be the first unit to provide the commercial mediation services under the Decree 22/2017/ND-CP to enterprises doing business in Vietnam. With the valuable support from the International Finance Corporation (IFC), a member of World Bank Group, the Rules of Mediation, being announced and came into force as from 1 July 2018, has reflected almost all principles of the UNCITRAL Model law on commercial mediation and strictly in compliance with the Decree 22/2017/ND-CP to ensure the Mediated Settlement Agreements – the outcome of the mediation process at VMC could be conveniently recognized by the Court for its enforcement as regulations under the Chapter 33 of the 2015 Vietnam Civil Procedure Code.

Also, regardless I have expressed it multiple times I still think it is worth to repeat in this special occasion, I would like to send a great thank to Vietnam Chamber of Commerce and Industry and The Ministry of Justice for facilitating favorable conditions to the launching of VMC. The operation of VMC is overseen by its Board of Directors and VMC currently has its first 50 Vietnamese and foreign mediators in its panel. They are surely prestigious experts and lawyers who are very busy with their works and the duties that their positions are holding; however, by sharing the same goals of contributing more to the business communities in Vietnam, they have decided to start the journey with us to build up the Vietnam Mediation Centre to be the first choice of enterprises, just like VIAC, when there are disputes and enterprises wish to use a friendly, transparent but confidential and efficient method for dispute resolution.

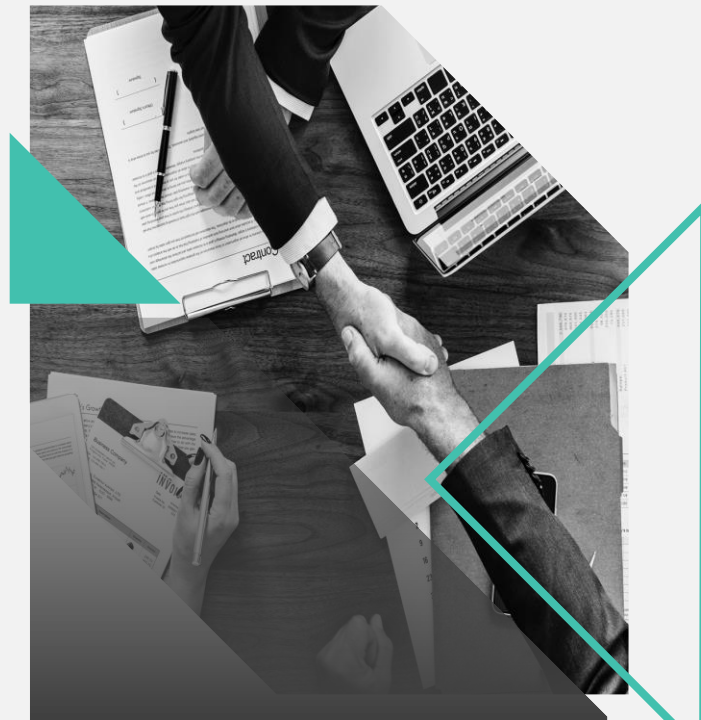
In 2018, the relation between VIAC and the Court's system especially the Hanoi's People Court and the HoChiMinh's People Court continued to be stronger with the supportive attitude from both Courts. There are many grand actions of the Court to show such "friendly" attitude: A party to arbitration could seek for the application for interim measures by the Court under the laws with no difficulties; The boundaries between the merit-related matters and procedural ones are clearer with the proper respect of the Judges to the merit-related matters that already decided by the Tribunals; The time limitation for a party to challenge the validity of an award under the Vietnam Law on Commercial Arbitration is strictly applied and the Court immediately rejected such challenge if the Judges, after considering all the evidences provided by a party of the award with the support of VIAC regarding the service of such award, come to conclusion that the time limitation has expired. As we always self-remind, the support from the Court system and the advantageous legal framework for arbitration and mediation are crucial for the development of VIAC in particular and of the out-court dispute resolution mechanisms in Vietnam in general. We will keep strengthening such relation for better mutual understanding between Tribunals at VIAC, mediators at VMC and the Judges at the Court.

On a broader view, 2018 was an impressive year of the Vietnam economy with more-than-expected GDP growth rate of 7.08%. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) was ratified by the National Assembly and officially came into force in Vietnam since 14 January 2019, which remarks the wide and comprehensive integration of Vietnam into the global economy. Vietnam, in 2018, was the first-time-ever nominated and has won to be a member of UNCITRAL for the term of 2019 – 2025. Such event shows the country's improving international position as well as the worldwide recognition of its contribution to the common work of the international community, including in international trade law.

With positive statistics of Vietnam in 2018, I have a strong belief that 2019 shall promise more success and achievements for Vietnam and for VIAC ourselves.

To sign off, I would like to send my deep appreciation to our arbitrators, our mediators and my wonderful colleagues at VIAC and VMC for all the energy and devotion that you have brought to our works. I am so eager to start the New Year of the Golden Pig with your new ideas, new projects, big plans and all of our effort for another successful year of VIAC.

ANH DUONG VU (Mr.) | Secretary General





HIGHLIGHTS 2018

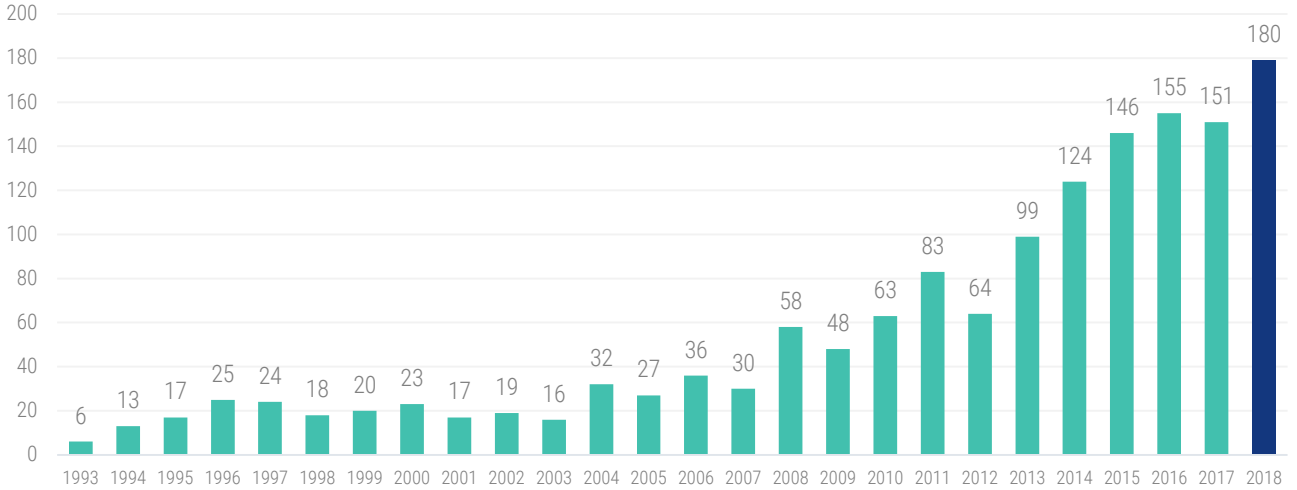
ARBITRATION 01

MEDIATION 02

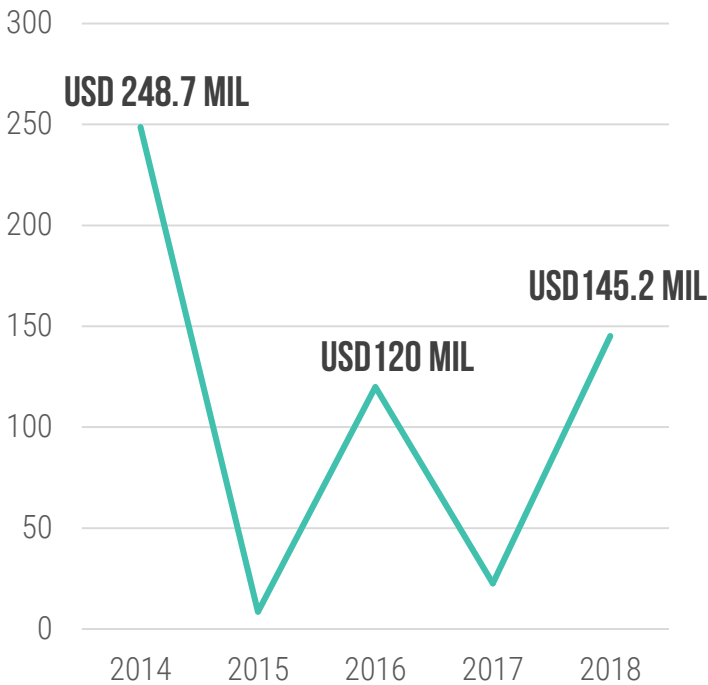
INTERNATIONAL RELATIONS 03

01 ARBITRATION

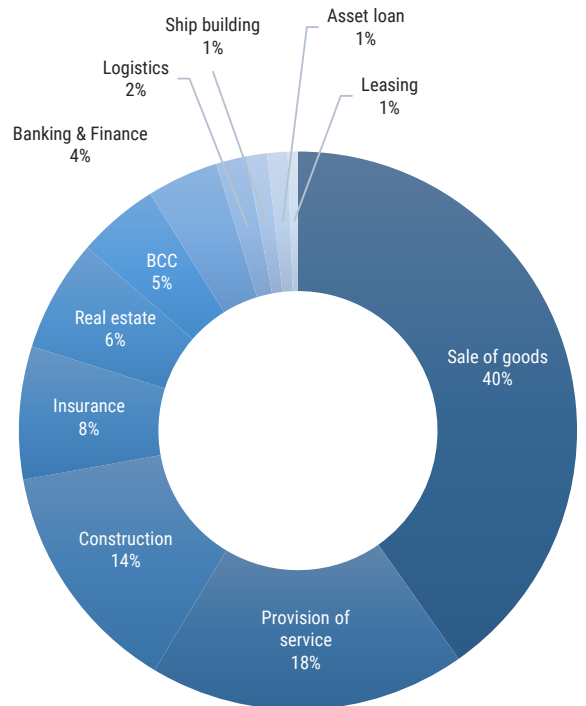
VIAC'S CASELOAD (1993-2018)



2018 Biggest total value in dispute in 25 years of VIAC.



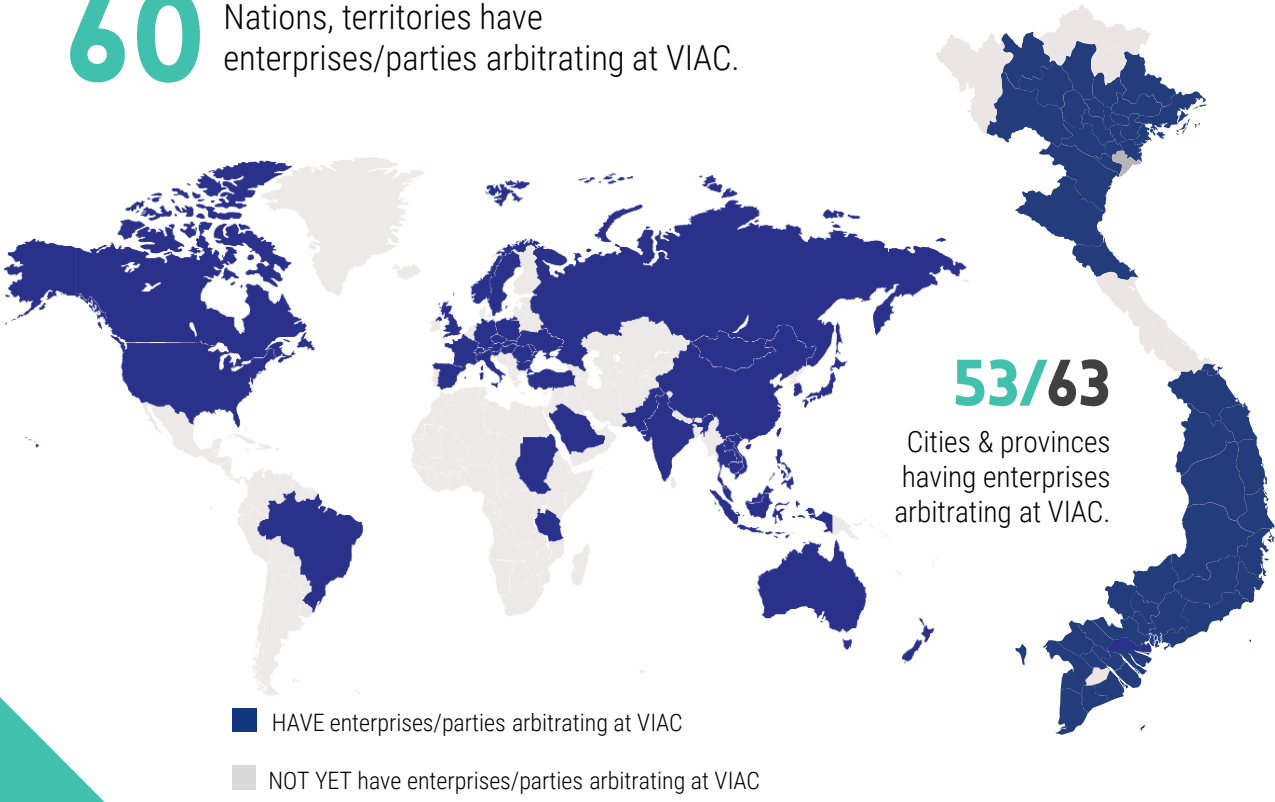
HIGHEST VALUE IN DISPUTE (2014 – 2018)



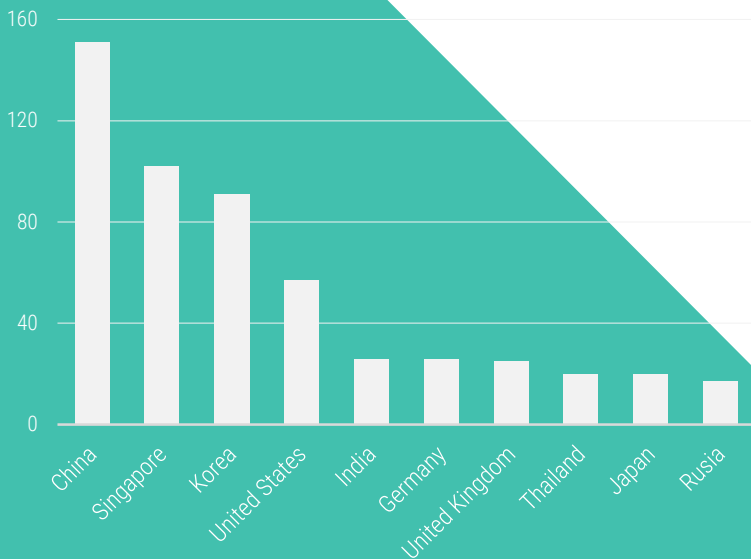
TYPES OF DISPUTES IN 2018

DISPUTING PARTY AT VIAC

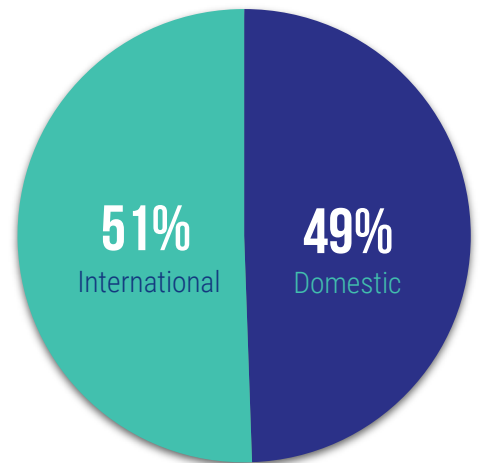
60 Nations, territories have enterprises/parties arbitrating at VIAC.



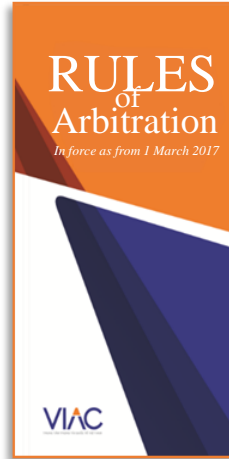
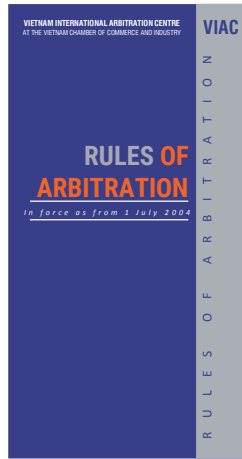
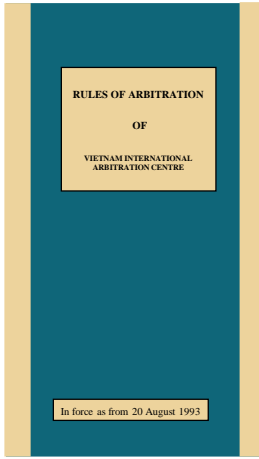
TOP 10 WITH ENTERPRISES ARBITRATING AT VIAC NATIONS (1993 – 2018)



DISPUTE PROPERTIES IN 2018



VIAC has been keeping its services updated with changes in the laws of Vietnam and new tendencies in ADR in the world; at the same time, absorbing all feedbacks from the users (enterprises & lawyers) for the better services that VIAC offers.



TIME & COST-EFFICIENCY

ARTICLE 6: MULTIPLE CONTRACTS



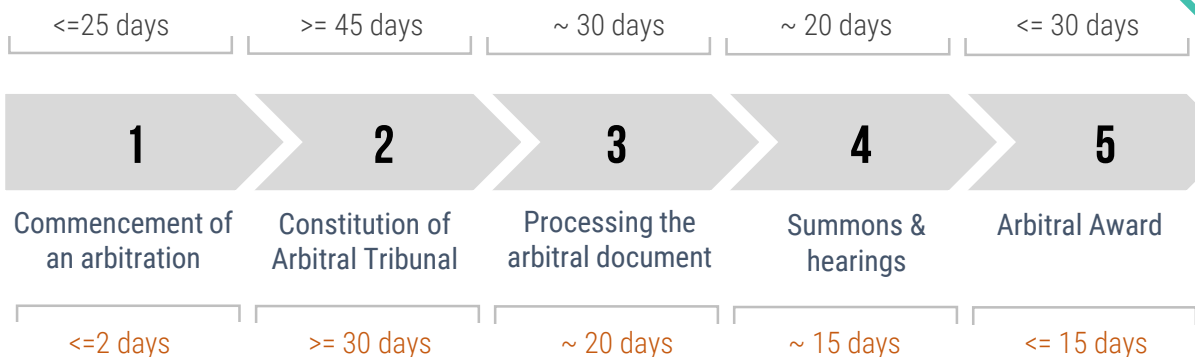
COSTS saving 15%- 37%



SHORTEN the length of proceedings

ARTICLE 37: EXPEDITED PROCEDURE

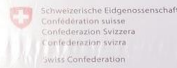
ORDINARY PROCEDURE



EXPEDITED PROCEDURE

23
ARBITRATION CASES

Consolidated from DOZENS of contracts



LAUNCHING OF VIETNAM MEDIATION CENTRE

functioning at the dispute settlement
through mediation prescribed by law

MEDIATION



BOARD OF DIRECTORS



Sy Dzung NGUYEN
Director



Trong Dat PHAN
Permanent Vice Director



Manh Dzung NGUYEN
Vice Director

SECRETARIAT



HEAD OF SECRETARIAT



SECRETARIES

ORGANIZATIONAL STRUCTURE OF THE VIETNAM MEDIATION CENTRE

37

VIETNAMESE
MEDIATORS



FOREIGN
MEDIATORS

13

02 MEDIATION

SERIES OF 11 PROMOTIONAL EVENTS FOR MEDIATION IN VIETNAM



In cooperation with
International Finance Corporation
(IFC) – World Bank Group and
Centre of Efficient Dispute
Resolution (CEDR)

04 MEDIATOR SKILLS TRAINING COURSES



03 INTERNATIONAL RELATIONS



**05 NEW MOU
AND COOPERATION
AGREEMENTS IN 2018**

**PARTNERS SIGNING
MOU & COOPERATION
AGREEMENTS WITH VIAC:**



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