

# ADR VIETNAM CHAMBERS 2022 ARBITRATION WEBINARS

DZUNGSRT  
& ASSOCIATES



Expert lawyers.  
Tailored approach.

## A CLOSER LOOK AT SIAC ARBITRATION RULES

**NGUYEN NGOC MINH**

*LLM (Monash University, Australia)*

*Partner, Head of Dispute Resolution | DZUNGSRT & ASSOCIATES*

*Hanoi, 08 July 2022*



# Vietnam's SIAC Statistics

**No. 6 User in 2021**

**55 Cases**  
12 as Claimant  
43 as Respondent

**6 Appointments**  
3 listed in SIAC Panel



# Court of Arbitration of SIAC

## THE COURT

Court of Arbitration of SIAC and includes a Committee of the Court

## THE PRESIDENT

The President of the Court and includes any Vice President and the Registrar;

## THE REGISTRAR

The Registrar of the Court and includes any Deputy Registrar



# I. COMMENCEMENT OF ARBITRATION STAGE

1

## Emergency Arbitrator

A party that wishes to seek emergency interim relief may, concurrent with or following the filing of a Notice of Arbitration but **prior to the constitution of the Tribunal**, file an application for emergency interim relief with the Registrar.

2

## Multiple Contracts

File a NoA in respect of each arbitration agreement together with a consolidation application; or

File a single NoA which is deemed to also be a consolidation application.

3

## Joinder and Consolidation

To be decided by the Court or by the Tribunal once constituted.

4

## Appointment of Arbitrators

A sole arbitrator shall be appointed in any arbitration under these Rules **unless the parties have otherwise agreed**;

In all cases, the arbitrators nominated by the parties, or by any third person including by the arbitrators already appointed, shall be **subject to appointment by the President in his discretion**.

5

## Payment of deposits

50% by the Claimant and 50% by the Respondent.

Parties are jointly and severally liable for the costs of the arbitration.

Failure to pay the deposits may lead to the suspension of the arbitration in whole or in part, and eventually to the withdrawal of the claims or counterclaims.

Partial award on costs.

Security on costs



## II. CONDUCT OF PROCEEDINGS

### Rule 19: Conduct of the Proceedings

The Tribunal shall conduct the arbitration in such manner as it considers appropriate, after consulting with the parties, to ensure the fair, expeditious, economical and final resolution of the dispute.

Preliminary meeting to discuss the procedures that will be most appropriate and efficient for the case.

### Rule 29: Early Dismissal of Claims and Defences

A party may apply to the Tribunal for the early dismissal of a claim or defence on the basis that:

- a claim or defence is manifestly without legal merit; or
- claim or defence is manifestly outside the jurisdiction of the Tribunal.



# III. SUBMISSION OF PLEADINGS AND STATEMENTS STAGE

## PLEADINGS REQUIRED

**Rule 3, Rule 4, Rule 20.**

All cards on the table: All submissions referred to in this Rule shall be accompanied by copies of all supporting documents which have not previously been submitted by any party.

If the Claimant fails to timely submit its Statement of Claim, the arbitral proceedings may be terminated.

If the Respondent fails to submit its Statement of Defence, or if any party fails to present its case in the manner directed by the Tribunal, the Tribunal may proceed with the arbitration.

## EVIDENCE

**Rules 19.2**

The Tribunal shall determine the relevance, materiality and admissibility of all evidence. The Tribunal is not required to apply the rules of evidence of any applicable law in making such determination.



## IV. FINAL AWARD STAGE

The Tribunal shall, as promptly as possible, after consulting with the parties and upon being satisfied that the parties have no further relevant and material evidence to produce or submission to make with respect to the matters to be decided in the Award, declare the proceedings closed;

45 days to submit the draft award to the Registrar; cost implications.

Scrutiny of the award by the Registrar:

- Suggest modifications as to form;
- Draw attention to
- Approved as to form.



## **B. PRACTICE NOTE**





- **Know the Rules**
- **Take the initiative**
- **Ready to negotiate**
- **Be attentive and mindful of the situation**
- **Investigate early**

**THANK YOU  
FOR YOUR ATTENTION**



**HANOI OFFICE**

6-11th fl, HAREC Bld.  
4A Lang Ha, Ba Dinh Dist.  
Hanoi, Vietnam  
t +(84.24) 3772 6970

**SAIGON OFFICE**

1605-16th fl, Saigon Riverside  
2A-4A Ton Duc Thang, D1,  
Hochiminh, Vietnam  
t +(84.28) 3822 0076

[www.dzungsr.com](http://www.dzungsr.com)

