



ADR VIETNAM CHAMBERS LLC
— INDEPENDENT ARBITRATORS & MEDIATORS —

ADR VIETNAM CHAMBERS'

NEWSLETTER QUARTER III/2025

INTRODUCTION



ADR VIETNAM CHAMBERS LLC
— INDEPENDENT ARBITRATORS & MEDIATORS —

ADR Vietnam Chambers is honored to publish the third ADR Vietnam Newsletter, aiming to bring readers the latest highlights of [ADR Vietnam Chambers](#) as well as notable upcoming activities related to arbitration and others alternative dispute resolution in Vietnam and globally from July to September 2025.

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DISPUTE RESOLUTION **ACTIVITIES**

1. Q3/2025 records a historic number of arbitration cases of Arbitrator Nguyen Manh Dzung

Arbitrator Nguyen Manh Dzung is currently handling 15 disputes simultaneously across diverse sectors such as construction, insurance, maritime, investment, M&A, and fintech. Among these, he serves as Presiding Arbitrator or Sole Arbitrator in 9 cases.

Alongside the rapid development of arbitration in Vietnam, the disputes he is involved in also reflect a growing trend not only in volume but also in complexity. Most cases concern multi-party and multi-contract arbitrations, requiring the tribunal to address procedural challenges such as objection to arbitrators, jurisdictional objections, the assessment of evidence, the applications for interim measures, etc.

Arbitrator Nguyen Manh Dzung extends his sincere gratitude for the trust placed in him by the business community, lawyers fellow arbitrators, arbitral institutions, and reaffirms his commitments::

- To exercise diligence in resolving disputes and endeavor to hold hearings within 3 to 6 months from the establishment of the Arbitral Tribunal;
- To provide the best opportunity for the parties to participate in the proceedings and present their cases before the Tribunal, particularly in disputes where one party does not take part in the arbitral proceedings;
- To create appropriate conditions for the parties to negotiate and reconcile; and to ensure their right to litigate both in writing and orally, through written submissions as well as at the hearings.

LAWYER, ARBITRATOR
NGUYEN MANH DZUNG




I.

DISPUTE RESOLUTION **ACTIVITIES**

2. Decision of the Ho Chi Minh City People's Court Not to Set Aside a VIAC Arbitral Award

One relatively common issue in arbitration disputes in Vietnam is the absence of the respondent. Recently, in a dispute in which Arbitrator Nguyen Manh Dzong participated, the Respondent filed an application with the Court to set aside the arbitral award, citing the following grounds: (i) the evidence relied upon by the Arbitral Tribunal to resolve the dispute was allegedly forged, as the Tribunal had relied on photocopied documents submitted by the Claimant; and (ii) the Respondent did not receive the dispute-related documents. In fact, throughout the arbitration proceedings, the Respondent neither appeared nor responded to the Tribunal's communications. When considering the Respondent's application to set aside the award, the Court based its reasoning on: (i) the entirety of the documents and evidence, concluding that the evidence was not forged and that the transaction between the Parties existed; and (ii) proof that the Respondent had received the dispute-related documents, as evidenced by envelope packaging and delivery receipts. Accordingly, the Court decided to reject the application for annulment.

This decision reflects the service of documents by the VIAC Secretariat was carried out diligently and in compliance with procedural requirements. It also demonstrates that Arbitral Tribunals exercise great caution when examining evidence, with arbitral evidence being assessed in a flexible and comprehensive manner. Furthermore, the decision highlights the Court's supportive and supervisory role over arbitration, showing that the Court fully considered the available evidence in its deliberations, rather than relying solely on the submissions of one party. This contributes to preventing parties from using "tactics" such as deliberately refusing to participate in proceedings in order to seek annulment of arbitral awards. At the same time, Arbitral Tribunals and arbitration centers must pay careful attention to the service of documents, ensuring that such service is properly affected in accordance with procedural rules and legal regulations to avoid risks related to the annulment of arbitral awards.



II. COMMUNITY ENGAGEMENT

1. Scientific Seminar on Commercial Arbitration in the Context of Digital Transformation



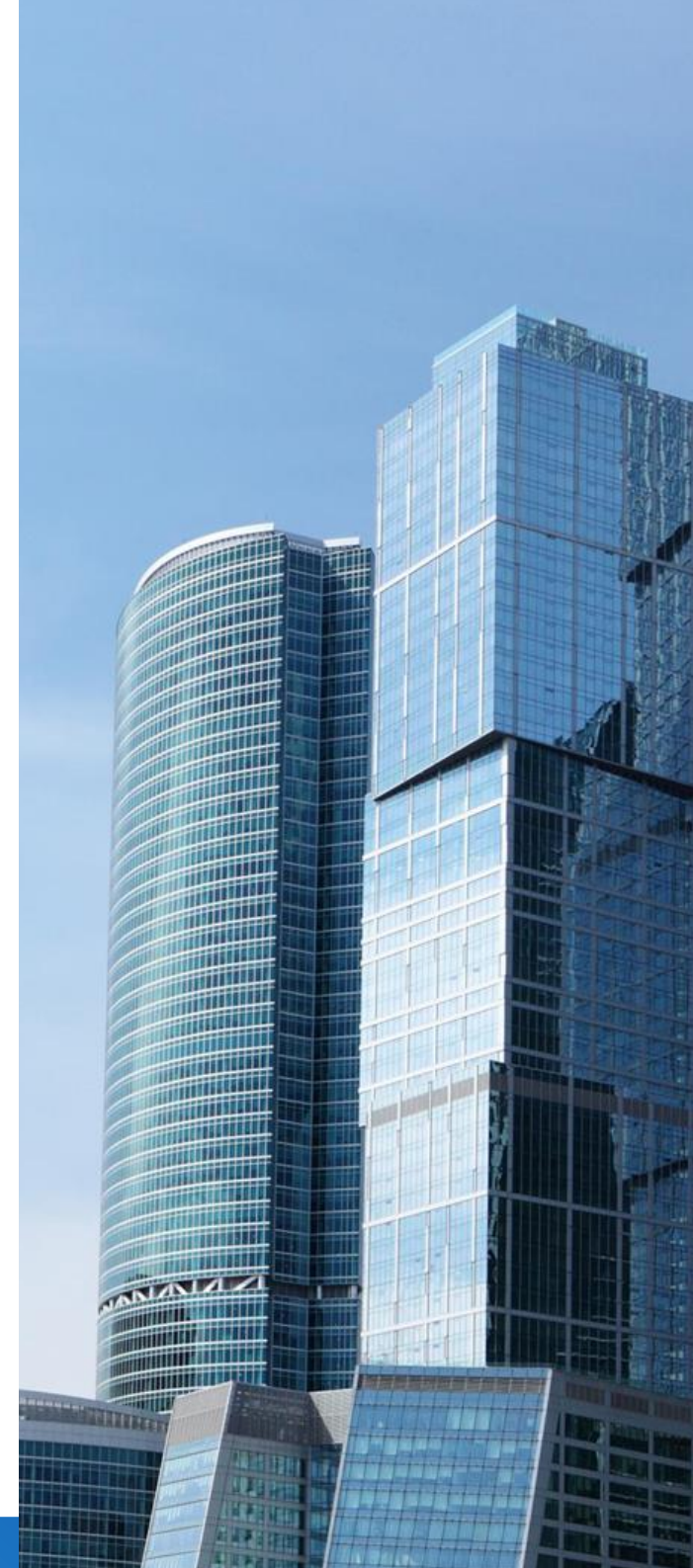
On July 17, 2025, the seminar was held at Nguyen Tat Thanh University (Ho Chi Minh City), focusing on the discussion of trends, solutions and practical applications of technology in arbitral proceedings in Vietnam.

During the event, **Lawyer Nguyen Manh Dzung**, Director of ADR Vietnam Chambers, shared insights on the current state of digital transformation in arbitration in Vietnam. He highlighted several limitations in the application of technology to arbitral proceedings and suggested proposals to enhance the efficiency and transparency of the process through digitalization.

2. Seminar “Sharing Experiences and Practices on the Development of the Public Lawyer System in Japan and other Countries”

On August 1, 2025, at the seminar “Sharing Experiences and Practices on the Development of the Public Lawyer System in Japan and other Countries” under the framework of the Ministry of Justice’s JICA Project, Ms. Dao Linh Chi, Arbitration Assistant at ADR Vietnam Chambers, on behalf of the ADR Vietnam Chambers’ author group, presented a paper on the experiences with public lawyer models in several representative countries and offered recommendations for Vietnam.

The paper put forward several key recommendations, emphasizing that the public lawyer model should avoid disrupting the existing legal system, ensure the independence and self-governance of lawyers, and remain consistent with the Party and State’s policy on streamlining the apparatus.





COMMUNITY ENGAGEMENT

3. The 40th Anniversary of the School of International Arbitration Queen Mary University of London

During the two days from September 10 to September 11, 2025, Mr. Nguyen Manh Dzung attended the 40th anniversary of the School of International Arbitration at Queen Mary University of London, marking the start of his business trip to London. This is also where he pursued his Master's degree in Comparative Law & International Dispute Resolution from 2007 to 2008.



At the anniversary, Mr. Dzung had the opportunity to meet and speak directly with leading figures in the field of arbitration, such as Professor Julian Lew, the founder of the School of International Arbitration, and Alan Redfern, the author of the classic textbook "Redfern and Hunter on International Arbitration" and the originator of the Redfern Schedule, a tool commonly used in the document production process.

The School's 40th anniversary celebration was solemnly held with a conference on "Arbitration in Context." Featuring speakers from global law firms and academia, the event examined and researched commercial arbitration through various perspectives, from economics, sociology, and philosophy to the application of science and technology.



II. COMMUNITY ENGAGEMENT

4. London International Shipping Week 2025

London International Shipping Week is one of the world's leading annual maritime events. From 15 to 19 September 2025, the official program will welcome thousands of international policymakers.

During the event's, Lawyer Nguyen Manh Dzung participated in a mock arbitration session organized by LMAA. The session featured the participation of prominent British experts, lawyers and arbitrators who have contributed to shaping London as a global Arbitration Hub. With oral arguments, witness cross-examination, and a hybrid format participation, the event allowed the international maritime community to gain deeper insight into LMAA's ad hoc arbitration process

Ad hoc arbitration in the UK, particularly in the maritime sector, continues to thrive thanks to its flexibility and credibility in international commerce. The event highlights the importance of expertise, as only arbitrators and lawyers with deep knowledge of maritime issues can ensure accurate, fair, and globally recognized awards. This foundation is essential for the sustainable development of maritime ad hoc arbitration.



5. Arbitral Assistant Dao Linh Chi participated in VMCC 2025 as Guest Judge



The Vietnam Moot Court Competition (VMCC) is a prestigious academic event designed for law students, especially those passionate about arbitration - a modern and highly effective method for resolving international disputes. Blending legal theory with practical application, VMCC offers an invaluable experience that nurtures a dynamic, resilient generation of future legal professionals ready to thrive in the global legal arena.

Serving as a Guest Judge at the VMCC 2025 competition, Arbitral Assistant Dao Linh Chi contributed to the overall success of the event. With her experience in commercial arbitration, she participated in both phases of the competition: evaluating the teams' Memorandum submissions and judging the Oral Pleading rounds.

II. COMMUNITY ENGAGEMENT

6. Arbitrator Nguyen Manh Dzung Continues to Collaborate with the IBA in the Working Group on International Arbitration



IBA Task Force
**"The Nationality of the Arbitrator as a Proxy for Independence
and Impartiality"**

Fill out our survey at:
<https://www.google.com/url?q=https://forms.gle/Q5b6H76TKrheC2xX6&sa=D&source=docs&ust=1759125930622560&usg=AOvVaw06XC0e8EUQ6IB-nqsqRRug>

The IBA's Arbitration Committee is a division of the IBA that brings together leading experts in international arbitration from diverse legal systems and is widely regarded as a pioneer in the field. The Committee has carried out numerous research projects and organized events to promote arbitration as a means of dispute resolution, with several notable contributions.

Previously, Arbitrator Nguyen Manh Dzung actively participated in IBA projects, including research and reports on arbitration in Vietnam, such as the Vietnam Report on the Public Policy Exception in the New York Convention and the 2016 Research Project – Comparative Study of Arbitrability under the New York Convention. Building on this engagement, Arbitrator Nguyen Manh Dzung is currently serving as a member of the Working Group studying the impact of arbitrators' nationality on their independence, impartiality, and objectivity. In this context, ADR Vietnam Chambers welcomes comments and exchanges from the arbitration community on the following specific issues to support the IBA project:

- Research into any nationality considerations/requirements with respect to arbitrator appointments under Vietnamese laws;
- Research into the travaux préparatoires of Vietnamese laws that include nationality considerations/restrictions in relation to arbitrator appointments;
- Case-law research regarding nationality-based challenges to (a) arbitrators and (b) arbitral awards; and
- To the extent not covered above, research into any nationality considerations/requirements specific to arbitrations involving state-owned enterprises.

Any opinions, please send to: Pham Duong Hoang Phuc, Research Assistant — Email: phuc.pham@adr.com.vn. or fill the survey as provided. ADR Vietnam Chambers welcome the comments from the arbitration community. Your contribution will serve as an important foundation for bringing Vietnam's voice and practical experience to the international arbitration community.

II. COMMUNITY ENGAGEMENT

7. Workshop on Developing the Proposal for Establishing the Public Lawyer Regime

On September 26, 2025, Lawyer Nguyen Manh Dzung attended the workshop to gather feedback on the Proposal for Establishing the Public Lawyer Regime, organized by the Department of Judicial Support under the Ministry of Justice in Ho Chi Minh City.

Building on his prior contributions to the Proposal, Mr. Dzung shared his views at the workshop on the training of public lawyers and the importance of maintaining their independence and self-governance, drawing on the experiences of Australia and the United Kingdom. His presentation was well received, highly appreciated by the participants, and generated active discussion among the delegates.





RESEARCH ACTIVITIES

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1. Truncated Tribunal in International Arbitration: Assessing Vietnam's Approach

In international commercial arbitration, a typical arbitral tribunal is composed of three members, with each party appointing one arbitrator and the two appointees selecting the presiding arbitrator. In practice, however, it is not uncommon for one arbitrator to resign, withdraw, or remain absent for an extended period of time, resulting in what is known as a Truncated Tribunal. This situation raises a critical legal question: can the remaining two arbitrators continue the proceedings and render a legally valid award, particularly when the tribunal's jurisdiction and the enforceability of its decision may be challenged?

The article explores and compares how Truncated Tribunals are addressed under the 2010 Law on Commercial Arbitration of Vietnam, the VIAC Rules, the UNCITRAL Model Law, as well as the rules of leading arbitral institutions such as SIAC, HKIAC, and UNCITRAL, while also taking into account relevant case law practice. Building on this comparative analysis, the article puts forward concrete recommendations for amending Vietnamese arbitration law and reforming the VIAC Rules, thereby enhancing the efficiency and credibility of arbitration in Vietnam.





RESEARCH ACTIVITIES

ADR VIETNAM CHAMBERS

2. Rules of Evidence for Arbitration in Vietnam – Are They Necessary and Feasible?

Evidence is one of the core issues in arbitration, enshrined in key instruments such as the UNCITRAL Model Law on International Commercial Arbitration and the rules of leading arbitral institutions like SIAC and HKIAC. In Vietnam, however, the 2010 Law on Commercial Arbitration and the procedural rules of domestic arbitral institutions still lack detailed provisions on how arbitral tribunals should assess evidence. The current framework only recognises the tribunal's authority to collect evidence (Article 46 of the 2010 Law on Commercial Arbitration and Article 19 of the VIAC Rules), but does not clearly empower tribunals or provide standards for evaluating the evidence obtained. This gap has led to practical challenges in arbitral proceedings, where tribunals often face limitations or uncertainties in handling evidence, resulting in risks to the enforceability of arbitral awards.

To address this, ADR Vietnam Chambers has analysed and compared international standards (IBA Rules, Prague Rules, CIETAC Guidelines, among others) and proposed recommendations to enhance the effectiveness of evidence assessment by arbitral tribunals in Vietnam. We believe that such reforms are essential not only to ensure fairness and efficiency of arbitral proceedings, but also to strengthen business confidence in arbitration as a dispute resolution mechanism and to minimise the risk of arbitral awards being set aside in evidence-related cases.

IBA Rules on the Taking of Evidence in International Arbitration

*Adopted by a resolution of
the IBA Council
17 December 2020
International Bar Association*



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RESEARCH ACTIVITIES

3. Research on Dispute Arising Out of Multiple Contracts

Modern arbitration practice reveals that disputes arising from complex transactions or a series of transactions often involve multiple parties and contracts. This presents a challenge: how to resolve these disputes in a time- and cost-effective manner while still ensuring fairness and respecting the principle of consent for all parties involved. Consequently, mechanisms for multi-party and multi-contract arbitration have become increasingly common and are now regulated by most rules of arbitral institutions.

As the first article in ADR Vietnam Chambers' series on multi-party/multi-contract arbitration, this research will compare the relevant provisions for disputes arising from multiple contracts in the VIAC Rules with those of prestigious international rules, such as those from SIAC, HKIAC, and ICC. Based on this comparison, the authors will propose amendments and additions to the relevant regulations, bringing arbitral proceedings in Vietnam closer to international standards while minimizing legal risks in the recognition and enforcement of arbitral awards in Vietnam.



4. Research on Consolidation in Arbitration

A major challenge in arbitration practice is the existence of multiple independent but closely related cases that need to be resolved together. To address this issue in a timely and cost-efficient manner while avoiding conflicting awards, the mechanism of consolidation of cases has been developed. This mechanism is designed to allow multiple related cases to be resolved within a single arbitration proceeding.

The arbitration assistants of ADR Vietnam Chambers will analyze and compare the consolidation provisions of VIAC - a leading arbitration institution in Vietnam - with the provisions of other prestigious international arbitration rules, such as those of SIAC, HKIAC, and ICC. Through this analysis, the authors aim to identify current legal gaps, and subsequently, propose amendments and additions to the consolidation mechanism in the arbitration rules of VIAC and other Vietnamese arbitration institutions. This effort is intended to help lawyers and arbitrators litigate and resolve disputes within a legal framework that is more aligned with international standards.



5. Research on Early Dismissal in Arbitration

Commercial arbitration has long been regarded as an effective and flexible alternative dispute resolution mechanism compared to traditional court litigation. However, in recent years, commercial arbitration has increasingly faced criticism for the significant costs and delays borne by parties to the proceedings. In order to ensure procedural fairness and minimize the risk of arbitral awards being set aside by courts, arbitral tribunals are often required to consider all claims and allow the parties to fully present their arguments. This, however, has inadvertently resulted in unnecessary cost and time delay.

Early dismissal procedure empowers tribunals to render an early decision on one or more issues of a case if those issues manifestly fall outside the tribunals' jurisdiction or are manifestly without merit. This research examines the framework governing early dismissal under the UK Arbitration Act 2025 as well as the rules of prominent arbitral institutions, including SIAC, HKIAC and LCIA. In conclusion, it offers recommendations for amending the 2010 Law on Commercial Arbitration of Vietnam and suggested potential adoption in the arbitration rules of Vietnamese arbitral institutions.



IV. NOTABLE EVENTS

1. Singapore Convention Week



The Singapore Convention Week (SC Week) has been a signature event in Singapore since 2019, focusing on dispute resolution, arbitration, mediation and litigation. It serves as a key platform for thought leaders, experts, practitioners and policy makers to discuss emerging trends, address common issues, deliberate on new innovations, and drive change.

This year's SC Week will be held from 25 August to 29 August 2025. Organised by the Singapore Ministry of Law in partnership with various organisations, the week will feature a rich and exciting line-up of keynotes, panel discussions, debate, workshops, and networking events. The events attracted legal practitioners, arbitrators, mediators, corporate counsels, business professionals, academics and government officials from more than 100 countries, who attended both in-person in Singapore and virtually, and shared their perspectives and vision for the evolving landscape of global dispute resolution.

2. Berlin Dispute Resolution Days

The Berlin Dispute Resolution Days, established in 2022, showcase the importance and relevance of dispute resolution made in Germany. This year's event was held from 8 to 11 September 2025. Its centrepiece is the DIS Autumn Conference, traditionally held in English in Berlin, complemented by the DIS40 Autumn Conference, the Humboldt Dispute Resolution Conference and a variety of side events. DIS, the Federal Ministry of Justice and Consumer Protection and Humboldt-Universität zu Berlin have joined forces for the organisation of the Berlin Dispute Resolution Days.

The Berlin Dispute Resolution Days bring together national and international practitioners, inhouse lawyers, academics, judges, government officials and representatives of other relevant stakeholders. The lectures and discussions held during the Berlin Dispute Resolution Days give new impulses and offer a networking opportunity with leading arbitration experts from Germany and abroad.





V. UPCOMING EVENTS

1. Training workshop for lawyers organized by the Ministry of Justice in Ho Chi Minh City

Arbitrator Nguyen Manh Dzung is scheduled to deliver a presentation at a seminar on Fostering Legal Knowledge and Resolving Difficulties and Obstacles in Commercial Arbitration organized by the Ministry of Justice in Ho Chi Minh City on October 9, 2025.

At the seminar, Mr. Dzung will present on complex arbitration procedures, including disputes arising from multiple contracts, consolidation of disputes, mechanisms for adding third parties, and concurrent proceedings under the Law on Commercial Arbitration 2010 and international dispute resolution practices. He will also introduce practical experience in resolving arbitration disputes arising from multiple contracts in the financial sector.

Furthermore, in the context of Resolution 222/2025/QH15 dated June 27, 2025, on the International Financial Center in Vietnam, which has opened up many opportunities and challenges for lawyers and arbitrators in the dispute resolution process, Mr. Dzung will introduce and discuss this issue with the attending delegates.

V.

UPCOMING EVENTS

2. Hong Kong Arbitration Week 2025



Hong Kong Arbitration Week 2025 is scheduled to take place from October 19 to October 24, 2025. This year's event marks a significant milestone as it coincides with the 40th anniversary of the Hong Kong International Arbitration Centre (HKIAC). The week-long program solidifies Hong Kong's position as a premier center for resolving international commercial disputes, particularly in the Asia-Pacific region.

A key highlight of the week is the "ADR in Asia" Conference, a flagship event that will be held on October 22 at the Four Seasons Hotel Hong Kong. In addition to this main conference, the week features a wide range of official and affiliated events, including seminars, workshops, and networking receptions. These gatherings will cover a diverse array of topics, from the use of technology and artificial intelligence in arbitration to the role of environmental, social, and governance (ESG) factors in dispute resolution. The celebration includes the annual GAR Live, Hong Kong Arbitration Charity Ball and other social events, fostering collaboration among leading lawyers, scholars and arbitrators.

V.

UPCOMING EVENTS

3. IBA Annual Conference 2025 at Toronto

The IBA Annual Conference is a major event for legal professionals worldwide. It is scheduled to take place from November 2 to November 7, 2025, at the Metro Toronto Convention Centre in Toronto, Canada.

This conference is one of the premier global gatherings for lawyers, attracting over 5,000 attendees from more than 130 jurisdictions. The program will feature over 200 sessions covering a wide range of critical topics in the legal field. Key themes will include the impact of artificial intelligence (AI) on legal practice, international tax law, and business' ethical obligations. The event aims to foster professional development, networking, and will showcase Toronto's dynamic and multicultural business landscape to the international legal community.

As a member of the IBA, Mr. Nguyen Manh Dzung has been actively contributing to the research projects and general activities of the Association. He is currently serving as a member of the Task Force studying the impact of arbitrators' nationality on their independence, impartiality, and objectivity.



IBA 2025 TORONTO
2-7 NOVEMBER
ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



OFFICIAL CORPORATE
SUPPORTER



4. New York Arbitration Week 2025

NYAW2025 is organized by The New York International Arbitration Center (NYIAC) and the New York Branch of the Chartered Institute of Arbitrators from 17 to 21 November 2025. Drawing on New York's position as a global city, NYAW2025 will engage both local and global practitioners, in-house counsel, scholars, and thought leaders to showcase New York City as a leading destination for the international arbitration community.

This year's edition adopts the theme "Searching for the North Star", reflecting the international arbitration community's pursuit of guidance amid rapid change. The theme highlights efforts by all stakeholders to address pressing issues of legitimacy, transparency, diversity, efficiency and sustainability in arbitration.



5. The 23rd International Congress of Maritime Arbitrators (ICMA XXIII)



ADR Vietnam Chambers is honored to collaborate with the Singapore Chamber of Maritime Arbitration (SCMA) in promoting the 23rd International Congress of Maritime Arbitrators (ICMA XXIII), which will be held in Singapore from March 22 to 27, 2026.

Established in 1972, the International Congress of Maritime Arbitrators (ICMA) provides a forum for maritime arbitrators and lawyers from around the world to exchange views and news of professional interests. It serves as a cornerstone event in the calendar of maritime arbitrators and maritime professionals globally.

ICMA has expanded significantly since its first Congress, typically hosting delegates from an average of 26 countries and featuring approximately 100 or more presented papers.

6. 38th LAWASIA Conference

From 11 to 13 October 2025, LAWASIA and the Vietnam Bar Association will jointly host the 38th LAWASIA Conference in Hanoi, Vietnam.

As LAWASIA's flagship annual event, the conference serves as a premier platform for bar leaders, jurists, professional organisations, and individual lawyers from across the Asia-Pacific. The 2025 program will highlight key regional legal developments, with discussions on judicial practice, legal education, cross-border business and investment law, and cross-border dispute resolution. This landmark gathering underscores LAWASIA's commitment to fostering dialogue and collaboration among the region's legal professionals.



7. Legal Plus: 2nd International Arbitration and Corporate Crime Summit



The 2nd International Arbitration and Corporate Crime Summit by Legal Plus will be held on 17 October 2025 at New World Saigon Hotel, Ho Chi Minh City. Partnering with leading industry companies throughout the world as well as government institutions, leading Arbitration centers and chambers of commerce. Legal Plus events bring together annually, thousands of companies in the construction, pharma, financial, corporate, technology, energy, IP & TMT fields with their general counsels, risk & compliance managers and legal experts creating leading business & networking summits.

These events also showcase the ever-changing landscape on essential legal, financial, regulatory, fraud and compliance issues to keep general and corporate counsels up-to-date with the tools required to protect their company armed with the latest legal and regulatory updates.

VI. OTHER NOTABLE NEWS

1. The change in the power to set aside an arbitral award in Vietnam

In the context of deep international economic integration, commercial arbitration is increasingly regarded as an effective method for dispute resolution thanks to its flexibility and confidentiality. To help Vietnam become a friendly place of arbitration in the region, ensuring consistency in the process of setting aside arbitral awards has become more crucial than ever.

To clearly establish the competent authority for this important function, the Standing Committee of the National Assembly's Resolution No. 81/2025/UBTVQH15 has specifically designated three provincial-level People's Courts with the authority to annul arbitral awards. These are the People's Courts of Hanoi, Da Nang, and Ho Chi Minh City.

This transfer of competence from all provincial-level courts to these three specific major city courts is considered consistent with international practices and the standards of modern jurisprudence. This new regulation is expected to foster a team of judges with specialized expertise and reduce inconsistent application of the law, thereby strengthening the predictability and stability of arbitration law in Vietnam.

2. UNCITRAL Toolkit on Prevention and Mitigation of International Investment Disputes

On July 22, 2025, the United Nations Commission on International Trade Law (UNCITRAL) adopted the Tool Kit on Prevention and Mitigation of International Investment Disputes. This marks another step in the reform of the investor-State dispute settlement mechanism, a mandate the Commission set in 2017 and which was developed by UNCITRAL's Working Group III.

The Tool Kit aims to help states identify and implement effective measures to prevent and mitigate investment disputes. Instead of proposing specific solutions or "best practices," it presents various approaches currently being used by different countries. The document notes that each state should develop its own approach based on its unique legal and institutional framework. As such, the Tool Kit serves as a valuable resource, offering practical insights and shared experiences to support a stable and predictable investment environment. By focusing on the pre-dispute phase, the Tool Kit seeks to help states address disagreements early on before they escalate into formal legal disputes, and to explore amicable solutions, including through commercial mediation.

While investment and commercial arbitration have always had many differences, the UNCITRAL Tool Kit offers a clear lesson for commercial arbitration: resolving a claim early saves time and costs while minimizing damage to business relationships, regardless of whether the dispute is between a state and an investor, or two businesses. Principles such as pre-dispute consultation through ADR methods (e.g., mediation, negotiation, and Dispute Adjudication Boards) can be applied in commercial arbitration to prevent contractual conflicts from escalating. This highlights a growing trend of mediation prior to the commencement of arbitration.

VI. OTHER NOTABLE NEWS

3. The Guide to Challenging and Enforcing Arbitration Awards (Hong Kong) - 4th edition by Global Arbitration Review



The Guide to Challenging and Enforcing Arbitration Awards - Fourth Edition Hong Kong

Current practice shows that the phase of enforcing an arbitral award, after it has been issued by the tribunal, is taking longer than usual due to a growing number of challenges to arbitral awards. In this context, The Guide to Challenging and Enforcing Arbitration Awards provides a comprehensive overview of both challenging and enforcing arbitral awards, presented in a concise, direct Q&A format. This document compiles important issues related to the recognition and enforcement of arbitral awards in numerous countries worldwide, covering legal frameworks and practical enforcement matters through the introduction of typical case law.

The document is divided into two parts:

Part I – Issues Related to Challenging and Enforcing Arbitral Awards: This part comprises common issues that parties should consider, regardless of the arbitration venue, when seeking to enforce or challenge an arbitral award. It consists of 13 chapters with in-depth analysis, from initial strategic considerations related to commencing proceedings to the grounds for refusing to enforce an arbitral award.

Part II – Country-Specific Analysis: These chapters delve into the domestic regulations of specific jurisdictions like Hong Kong, Singapore, and the United Kingdom, and how they handle:

- The recognition and enforcement of foreign arbitral awards;
- The setting aside or refusal to enforce awards;
- The application of the New York Convention and bilateral treaties.

This publication is a valuable reference, particularly for lawyers and arbitrators who aim to make arbitral awards that are enforceable on a global scale.

VI.

OTHER NOTABLE NEWS

4. Draft Decree on the International Arbitration Center under the International Financial Center in Vietnam

On August 15, Deputy Minister Nguyen Thanh Tinh chaired a meeting of the Drafting Committee for the Decree on an International Arbitration Center under the International Financial Center. During the meeting, the Deputy Minister stressed the importance of learning from international experience, with a particular focus on the practices of international arbitration centers in Singapore and Hong Kong.

Following the public release of the draft Decree, ADR Vietnam Chambers promptly initiated a research effort to contribute to its finalization. Learning from the rules of prestigious international arbitration centers such as SIAC, HKIAC, and ICC, Arbitrator Nguyen Manh Dzong and Arbitral Assistant Pham Duong Hoang Phuc compiled valuable recommendations for the draft, based on practical experience and international practices.



1. The adoption and application of Soft Law standards—the best practices of international arbitration—are key factors for Vietnamese arbitration to meet international standards

Currently, the Law on Commercial Arbitration 2010 and the Rules of Arbitration Centres in Vietnam still lack detailed regulations on the assessment of evidence, challenges to arbitrators, consolidation, and other complex procedures.. From this reality, the research group from ADR Vietnam Chambers has conducted an analysis and comparison with the guidelines of various reputable organizations (such as the IBA, CIArb, HKIAC, CIETAC, etc.) and proposed solutions aimed at enhancing the efficiency of arbitral proceedings. The group posits that the adoption of Soft Law tools is a necessary step to boost the efficiency of dispute resolution in Vietnam. They affirm that this measure will not only make the arbitration process fair and effective and solidify parties' confidence in arbitration as a method, but also mitigate the risk of annulment of arbitral awards due to procedural issues.



VII.

HIGHLIGHT OF THE NEWSLETTER



2 . Disputes in Vietnam are becoming increasingly diverse and complex

The development of arbitration in Vietnam has led to a significant increase in both the volume and the complexity of disputes being resolved. The scope of these cases is highly diverse, ranging from construction, insurance, maritime, investment, M&A, to newer models such as online lending/financial technology (fintech). Notably, many current disputes involve multiple parties and multiple contracts (multiple parties, multiple contracts arbitration), presenting complex issues such as the assessment of evidence and the application of interim measures. Consequently, the responsibility placed on the Arbitral Tribunal is increasing, requiring them to constantly enhance their professional expertise and diligence in the dispute resolution process.

3. The development of the international arbitration market and Vietnam's determination to seize the opportunity

The international arbitration market is rapidly heating up, especially in Asia, as the number and complexity of cross-border trade and investment disputes continue to increase. To keep pace with this trend, in addition to perfecting the legal framework, Vietnam is actively promoting the application of technology in dispute resolution. This includes utilizing online platforms for proceedings (Online Dispute Resolution - ODR) and applying new technologies like AI to assist with case management. These synchronized steps will not only make Vietnamese arbitration more efficient and transparent but also solidify the confidence of the business and investor communities, gradually realizing the goal of becoming a reputable arbitration venue in the region.

VII.

NHỮNG ĐIỂM TRỌNG TÂM CỦA BẢN TIN



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