



ADR VIETNAM CHAMBERS LLC  
INDEPENDENT ARBITRATORS & MEDIATORS

# ADR VIETNAM NEWSLETTER

QUARTER I, 2024

## ADR VIETNAM CHAMBERS



ADR Vietnam Chambers is honored to publish our first **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 Vietnam and globally in 2024.

April, 2024



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# ADR VIETNAM CHAMBERS MEMBERS' ACHIEVEMENT



- ◆ Mr. Nguyen Manh Dzung is also one of Vietnam's Top 100 Lawyers recognized by Asia Business Law Journal.
- ◆ Arbitrator Nguyen Manh Dzung has been included in other well-known guides to the legal markets, which will be published in May 2024

# ADR VIETNAM CHAMBERS MEMBERS' ACHIEVEMENT

◆ Ms. Ha My Linh, Chamber Clerk of ADR Vietnam Chambers, has been granted an award waiving full registration fees to participate in the ICCA 2024 Hong Kong Congress from May 5 to 8, 2024 in Hong Kong.

◆ Ms. Ha My Linh has been awarded the 2024/25 Young ICCA Full-Tuition Scholarship for her studies in the White & Case International Arbitration LL.M. program at the University of Miami School of Law (United States) in Fall (August) 2024.



# DISPUTE RESOLUTION ACTIVITIES



## CONSTRUCTION DISPUTES

- Mr. Nguyen Manh Dzung, acted as Presiding Arbitrator of the Arbitral Tribunal, together with co-arbitrators issued an award resolving a dispute over a construction contract between a Chinese contractor and an investor - a Vietnamese foreign-invested (FDI) enterprise.
- Mr. Nguyen Manh Dzung was appointed as Presiding Arbitrator of the Arbitral Tribunal in a dispute arising from a construction contract involving a FDI enterprise in Vietnam in the real estate sector.

## DISPUTES OVER SALE OF GOODS CONTRACTS

- Mr. Nguyen Manh Dzung, acted as Presiding Arbitrator of the Arbitral Tribunal, together with co-arbitrators issued an award resolving a dispute over an international goods sale contract between a Chinese company and a Vietnamese company.
- Mr. Nguyen Manh Dzung, together with International Arbitral Tribunal's members continue to resolve a dispute over an international goods sale contract under the United Nations Convention on Contracts for the International Sale of Goods (CISG) between Chinese and Korean companies under the International Arbitration Rules.



*Due to confidential issues so some information is not be disclosed*



# ARBITRATION COMMUNITY ENGAGEMENT

## 1, SEMINAR ON DISPUTE RESOLUTION STRATEGIES FOR ENTERPRISES IN THE ASIA-PACIFIC REGION: INTERNATIONAL ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION

The Seminar on Dispute Resolution Strategies for Enterprises in the Asia-Pacific Region was co-organized by the International Pacific Bar Association (IPBA) and the Vietnam International Arbitration Center (VIAC) in Hanoi on January 11, 2024. From Vietnam's perspective, Mr. Nguyen Manh Dzung listed Vietnam's main trade and investment partners, namely, South Korea, Singapore, and Japan, who are also the main users of VIAC. In 2023, VIAC set a record by handling 425 new arbitration and mediation cases, and it also issued an arbitration award exceeding 1,000 pages for a case valued at over 270 million USD. To achieve such dynamism, the role of court supervision and support for arbitration, along with the new approach to ADR, is also seen as a business tool for risk management and modern dispute prevention.

## 2, 25TH ANNUAL IBA ARBITRATION DAY, 22 - 23 FEBRUARY 2024

From 22 February to 23 February 2024, Mr. Nguyen Manh Dzung participated in the 25th Annual IBA Arbitration Day organized by The International Bar Association (IBA) in Singapore. IBA, founded in 1947, is a leading international organization with over 80,000 lawyers and nearly 190 bar associations and law societies across 170 countries.

The conference included four main sessions covering topics such as arbitrability, consent to arbitrate, expectations about arbitrators, and award and costs.

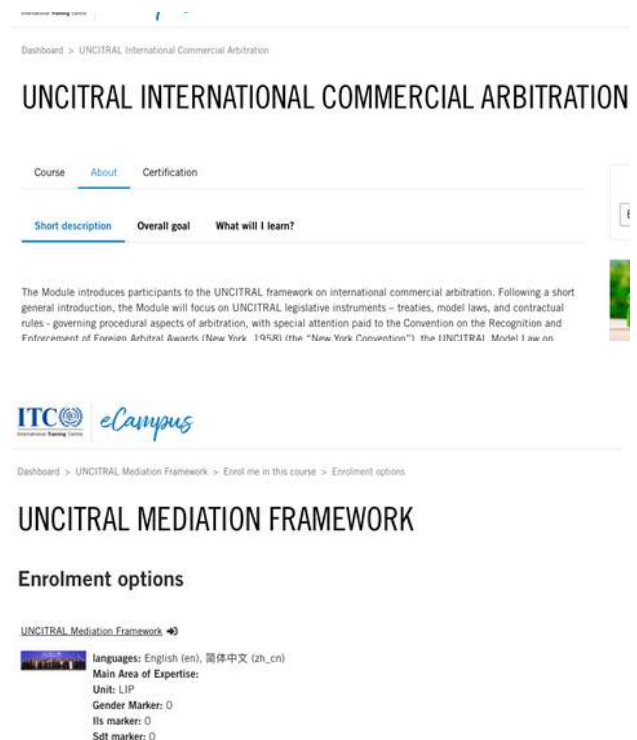
Recently, IBA provided a revised version of the IBA Guidelines on Conflicts of Interest in International Arbitration. The main changes are in the Orange List, concerning the role of arbitrator as expert, to be appointed as an expert in another arbitration proceeding involving one of the parties. These changes should be considered by VIAC to update in its Arbitrator Statement.

### 3, ATTENDING THE THIRD MEETING OF THE EDITORIAL BOARD FOR THE PROPOSED REVISIONS TO THE LAW ON COMMERCIAL ARBITRATION 2010 BY LAWYERS ASSOCIATION (VLA) ON FEBRUARY 29, 2024

Mr. Nguyen Manh Dzung was honored to be assigned by the Editorial Board for the proposed revisions to the Law on Commercial Arbitration 2010 to write a report reviewing the overview articles and research papers on Commercial Arbitration that have been published to serve as a scientific basis for the law amendment. However, due to limited time and lack of Vietnamese academic resources, the draft report is still incomplete. Law lecturers, researchers, and law students are welcomed to introduce Vietnamese doctoral thesis on arbitration law in the past 10 years to complete this report.

### 4, FREE ONLINE COURSES ON ARBITRATION AND MEDIATION BY THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)

The United Nations Commission on International Trade Law (UNCITRAL) is organizing two (02) free online courses on Arbitration and Mediation with certificates of completion.





## **5, PARIS ARBITRATION WEEK, #PAW2024**

From March 18 to March 22, 2024, both members of ADR Vietnam Chambers, Arbitrator Nguyen Manh Dzung and Chamber Clerk Ms. Ha My Linh, actively participated in virtual arbitration events organized by Paris Arbitration Week (PAW).

PAW is a non-profit organization with a mission to connect practitioners in the field of arbitration and alternative dispute resolution (ADR) globally by organizing a series of programs and exchanges. In 2023, PAW had over 26,000 registered participants with 143 events, attracting over 10,000 arbitration professionals.

In 2024, PAW organized 100 free events within three days, from March 18 to March 22, 2024. In addition to discussing global issues, PAW also organized prominent events related to arbitration in Asia, such as: "The Evolution of Arbitration in the CEE and Central Asia Regions: A Roadmap for the Future", "Economic Growth & International Arbitration in South East Asia", "The Rise of Arbitration in Asia".

PAW is an annually meaningful arbitration series for any arbitration practitioners as it helps arbitration practitioners to know about current arbitration development trends in different jurisdictions and it is totally free. Therefore, arbitration practitioners should participate in these events.



# UPCOMING EVENTS

## 1) ARBITRATION - MEDIATION SYMPOSIUM 2024 (AMS 2024), 11 APRIL 2024

The Arbitration - Mediation Symposium 2024 is an arbitration series organized by VIAC and Ho Chi Minh City University of Law including many workshops discussing interim measures in arbitration and the involving of third parties in arbitration proceedings.

On April 11, 2024, Arbitrator Nguyen Manh Dzung is invited to be a speaker at the Closing Symposium titled **“Completing the third parties’ mechanisms for facilitating arbitral proceedings”**. He will participate in the first panel discussion on arbitral proceedings and issues relating to third parties, presenting on **“Taking evidence and verifying facts in arbitration proceedings”**.



**HICAC<sup>20</sup>**  
HO CHI MINH CITY INTERNATIONAL  
CONSTRUCTION ARBITRATION CONFERENCE HICAC2024  
Construction Contract and International Arbitration:  
When Legal Traditions Collide

ORGANIZERS/ ĐƠN VỊ TỔ CHỨC  
VIAC  
SOCIETY OF CONSTRUCTION LAW - VIETNAM (SCLVN)  
UNIVERSITY OF LAW HO CHI MINH CITY

**HỘI THẢO TRỌNG TÀI XÂY DỰNG QUỐC TẾ TPHCM 2024**  
Hợp đồng xây dựng và Trọng tài quốc tế: Khi các truyền thống pháp luật có sự xung đột

MODERATOR/SPEAKER | ĐIỀU PHỐI/ĐIỄN GIẢ  
**MR. NGUYỄN MẠNH DŨNG  
NGUYEN MANH DZUNG**

- Director of ADR Vietnam Chambers, Deputy Director of Vietnam Institute for International Arbitration Research and Training (VIART) at VIAC
- Giám đốc Công ty TNHH Phòng ADR Việt Nam, Phó Viện trưởng Viện Nghiên cứu và Đào tạo Trọng tài Quốc tế Việt Nam (VIAC) thuộc VIAC



TRUNG TÂM TRỌNG TÀI QUỐC TẾ VIỆT NAM  
VIETNAM INTERNATIONAL ARBITRATION CENTRE

UNIVERSITY OF LAW  
HO CHI MINH CITY

Trân trọng kính mời / Respectfully invited  
**ÔNG NGUYỄN MẠNH DŨNG**  
MR. NGUYEN MANH DZUNG

Giám đốc ADR Vietnam Chambers LLC, Trọng tài viên VIAC  
Director of ADR Vietnam Chambers LLC, Arbitrator of VIAC

tham gia trình bày tại / to present at  
Diễn đàn thảo luận / The Closing Symposium  
**HOÀN THIỆN CÁC CƠ CHẾ VỀ BÊN THỨ BA,  
THỤẬN LỢI HOÁ QUÁ TRÌNH TỔ TỤNG TRỌNG TÀI**  
**COMPLETING THE THIRD PARTIES' MECHANISMS  
FOR FACILITATING THE ARBITRAL PROCEEDINGS**

11 - 04 - 2024 (THỨ NĂM)  
11<sup>TH</sup> - APRIL - 2024 (THURSDAY)  
08:00 AM - 11:45 AM

Trường Đại học Luật TP. HCM  
HCMC University of Law  
Số 2 Nguyễn Tất Thành, Phường 13, Quận 4, TP. HCM  
No.2 Nguyen Tat Thanh St., Ward 13, District 4, HCMC

Đại diện  
Representative of  
Trung tâm Trọng tài Quốc tế Việt Nam  
Vietnam International Arbitration Centre

## 2) THE HO CHI MINH CITY INTERNATIONAL CONSTRUCTION ARBITRATION CONFERENCE HICAC 2024, 25 APRIL 2024

On 25/4/2024, Mr. Nguyen Mang Dzung will serve as the keynote speaker and moderator at The Ho Chi Minh City International Construction Arbitration Conference HICAC 2024, which is hosted by the Society of Construction Law - Vietnam (SCLVN), Vietnam International Arbitration Centre (VIAC), and the International Law Faculty of Ho Chi Minh City University of Law. The conference's theme is **"Construction Contracts and International Arbitration – When Legal Traditions Collide."** Mr. Dzung will present on **"A Glance at the Inquisitorial Style and Adversarial Style in International Arbitration Practice in Vietnam throughout the 12 Years of the Law on Commercial Arbitration."**



### 3, ICCA HONG KONG CONGRESS 2024, 5/5/2024 – 8/5/2024

International Council for Commercial Arbitration (ICCA) is a global non-governmental organization devoted to promoting the use and improving the processes of arbitration, conciliation and other forms of international dispute resolution. The ICCA Congresses are the largest regular gatherings on the international arbitration calendar. This year, ICCA Hong Kong Congress 2024 will be held in Hong Kong from May 5 to May 8, 2024. The theme of the conference is “**International Arbitration: A Human Endeavor**” focusing on discussions about the impact of human nature and behavior on international arbitration, and vice versa, the influence of arbitration on humans. Topics discussed at the conference include the economic aspects of dispute resolution, culture and linguistics, the art of persuasion, ethics and citizenship, social networks, diversity and inclusion, societal benefits, technological impacts, and capacity-building.

Two members of ADR Vietnam Chambers, **Mr. Nguyen Manh Dzung** and **Ms. Ha My Linh** will also join this event to share with practitioners from other jurisdiction about Vietnam’s recent arbitration development.

This event will also be a good opportunity for other Vietnamese practitioners to join. Any update about this event will be presented in the nex Newsletter.





## 4, LONDON INTERNATIONAL DISPUTES WEEK (LIDW), 3 – 7 JUNE 2024

London holds international appeal as a global centre for dispute resolution – whether through its courts or by arbitration, mediation, expert determination or negotiation – built upon a rich tradition of English law dating back to the Magna Carta. Now in its fifth year, LIDW 2024 builds on the success of its previous successful events and strives to be a forward-thinking and inclusive forum for discussion embracing legal London’s commitment to diversity



Home About Membership Events Insights



3 Jun  
09:00 - 11:00  
Location: **Covington & Burling, 22 Bishopsgate, London, EC2N 4BQ**  
Spaces: 100

### Keynote followed by Panel discussion on ASEAN

Keynote from O. Thomas Johnson, Judge, Iran-United States Claims Tribunal, The Hague.

The keynote will be followed by a panel discussion on:

**ASEAN’s arbitration landscape in the Year of the Dragon: Power and Progress.**

The panellists for this session are:

- Debby Sulaiman (HBT)
- Dzung Manh Nguyen (Dzungst & Associates)
- Mark Mangan (Lindsay Francis & Mangan)
- Nelson Goh (Pallas Partners)
- Sanghoon Han (Leeko)

[Register](#)

**Arbitrator Nguyen Manh Dzung is invited to join London International Disputes Week (LIDW).**

Mr. Dzung will act as a speaker in the International Arbitration Day ASEAN panel: Next steps on 3 June 2024.

Together with other speakers from Korea, Indonesia, Singapore, Mr. Dzung will represent Vietnam to discuss ASEAN's arbitration landscape in the Year of the Dragon: Power and Progress.

# OTHER NOTABLE NEWS

## 1/ RESEARCH PROJECT ON RECOGNITION AND ENFORCEMENT OF SETTLEMENT AGREEMENTS AND ARBITRAL AWARDS FOR RESOLVING COMMERCIAL DISPUTES IN VIETNAM

CHUYÊN ĐỀ 9  
THỰC TRẠNG QUY ĐỊNH CỦA PHÁP LUẬT VÀ THỰC TIỄN THỰC HIỆN  
PHÁP LUẬT VỀ CÔNG NHẬN, CHO THI HÀNH KẾT QUẢ HOÀ GIẢI,  
PHÂN QUYẾT TRONG TÀI GIẢI QUYẾT TRANH CHẤP KINH DOANH  
THƯƠNG MẠI Ở VIỆT NAM VÀ HƯỚNG HOÀN THIỆN.<sup>1</sup>

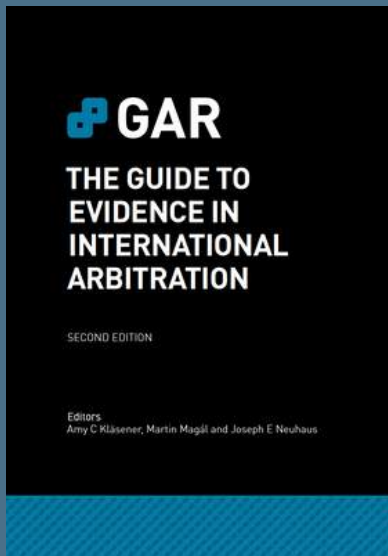
Nguyễn Mạnh Dũng<sup>2</sup> và Phan Huy Hiếu

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Arbitrator Nguyen Manh Dzung and Chamber Clerk Ha My Linh contributed to Chapter 9 of a Ministry-level scientific research on “Improving the legal framework for resolving commercial disputes through mediation and arbitration in Vietnam”. This chapter focus on the legal regulations and practical implementation of laws on recognition, enforcement of settlement agreements, arbitral awards in resolving commercial disputes in Vietnam and suggestions for improvement.

## 2/ THE SECOND EDITION OF GAR'S THE GUIDE TO EVIDENCE IN INTERNATIONAL ARBITRATION



Released to coincide with the new IBA rules on evidence, The Guide to Evidence in International Arbitration steers a course through what can otherwise be one of the most divisive topics in international arbitration. The Guide to Evidence in International Arbitration fills a gap in the literature by bringing together law and practice and providing a holistic view of the issues surrounding evidence in international arbitration, from strategic, cultural and ethical questions to what to do in certain settings. Along the way it offers various proposals for improvements to the received approach.

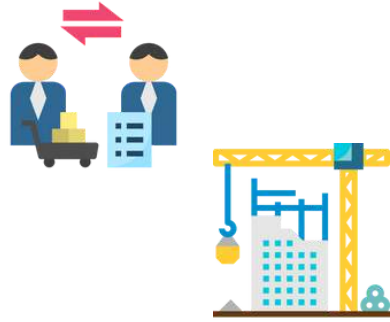
## 3/ PRESENTATION ON THE APPLICATION OF CISG, PROPOSED AMENDMENTS TO THE SIAC ARBITRATION RULES, AND GROUNDS FOR SETTING ASIDE, REFUSE TO RECOGNIZE AND ENFORCE ARBITRAL AWARDS



On the morning of March 27, 2024, ADR Vietnam Chambers organized a seminar with the presentation of 03 virtual interns in the Spring term of 2024 on the topics of application of CISG, proposed amendments to the SIAC Arbitration Rules, and grounds for setting aside, refusal to recognize and enforcement of arbitral awards in Vietnam. The interns had the opportunity to present their research during their internship at ADR Vietnam Chambers and received feedback from Arbitrator Nguyen Manh Dzung to further develop their research skills and enhance research quality.

ADR Vietnam Chambers is continuing to recruit online interns for the Summer term of 2024. More than 40 applications have been received so far. Evaluation and interviews are scheduled for the last week of April 2024.

# HIGHLIGHTS OF ADR VIETNAM NEWSLETTER



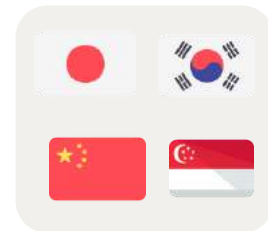
## #1 COMMON DISPUTE SECTORS

- **Disputes related to the sale of goods** (accounting for 21%, ranking second) and **construction** (accounting for 19%, ranking fourth) are two common type of disputes reported by VIAC in 2023. These are also two types of disputes that Arbitrator Nguyen Manh Dung frequently handles.
- For construction disputes, readers can refer to the **ICC Arbitration and ADR Commission Report on Construction Industry Arbitrations**.
- For disputes related to the sale of goods, readers can further explore **the CISG and related guidelines**.

## #2 TOP USERS

Arbitration in the **Asian** region is considered **one of the most vibrant arbitration markets globally**.

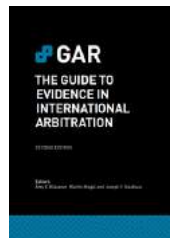
- According to VIAC's annual report in 2023, users from Asia, such as China, Japan, South Korea, and Singapore are the top foreign users at VIAC.
- During the Paris Arbitration Week, seminars related to the current development of arbitration in Asia were also organized.



## #3 AMENDMENT OF "SOLF LAW"

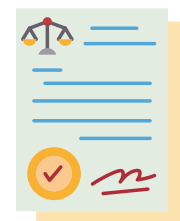
The amended versions of two sources of soft law have recently been published, namely:

- At the beginning of 2024, the IBA released **the revised version of the IBA Guidelines on Conflicts of Interest in International Arbitration**, a widely applied soft law source in international arbitration.
- The Global Arbitration Review (GAR) also announced **the second edition of the Guidelines on Evidence in International Arbitration**.



## #4 AMENDMENT OF LAW ON COMMERCIAL ARBITRATION BASED ON SCIENTIFIC RESEARCH

The amendment of Law on Commercial Arbitration is under consideration and based on scientific research that has been conducted.



## #5 INTERNATIONAL ARBITRATION STANDARDS, UNCITRAL

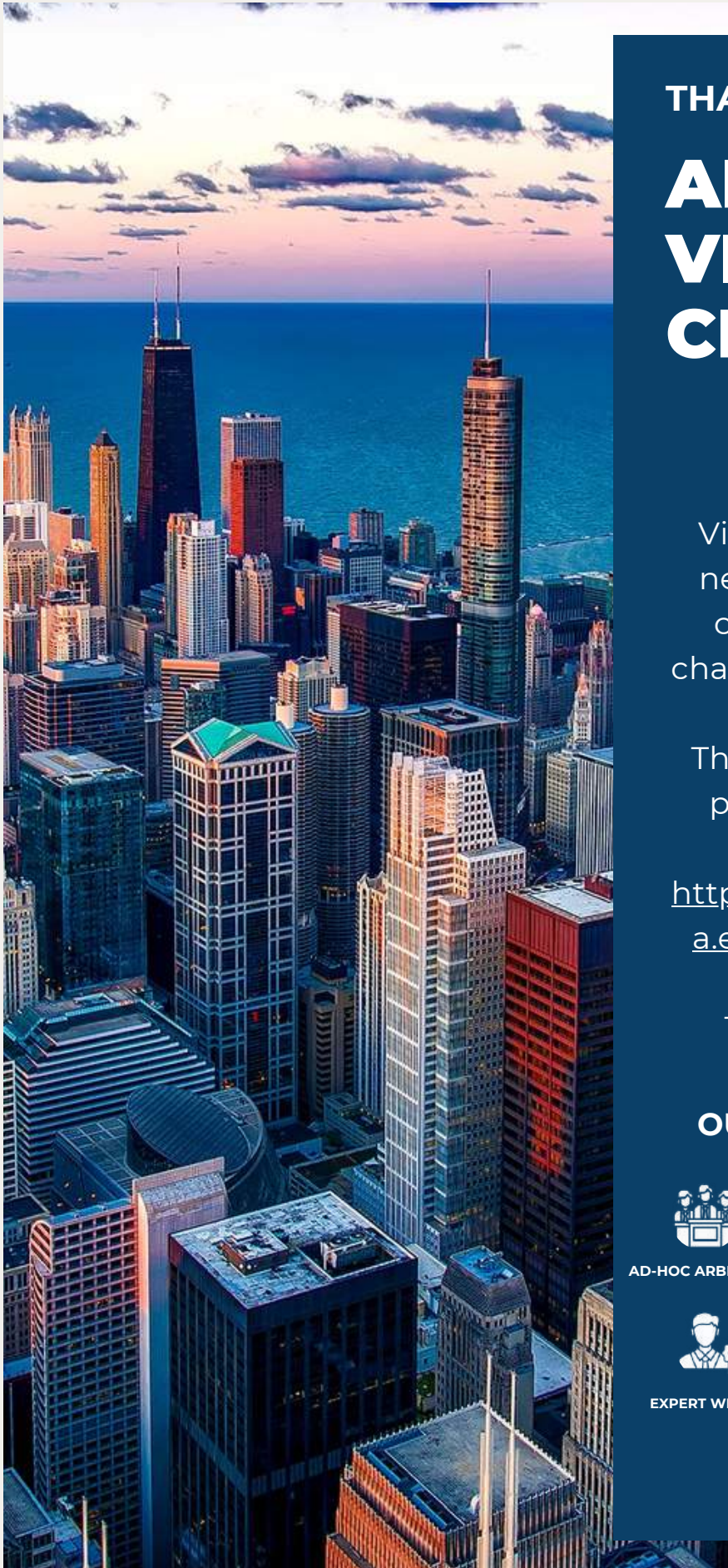
UNCITRAL is consistently regarded as a leading organization in dispute resolution. This is evidenced by the fact that **90 countries have adopted the Model Law in their arbitration laws**, and major arbitration institutions base their rules on UNCITRAL Arbitration Rules. Therefore, readers interested in arbitration should consider participating in UNCITRAL courses and studying the Model Law, as well as UNCITRAL's research.

# REFERENCE LIST



ADR VIETNAM CHAMBERS LLC  
— INDEPENDENT ARBITRATORS & MEDIATORS —

1. Asia Business Law Journal, <https://law.asia/asia/vietnam-top-lawyers/#Dzung-Nguyen-Manh>
2. Seminar on Dispute Resolution Strategies for Enterprises in the Asia-Pacific Region: International Arbitration and Alternative dispute resolution, <https://independent.academia.edu/ManhDzungNguyen>
3. 25th Annual IBA Arbitration Day, 22 February to 23 February 2024, <https://www.ibanet.org/programmes?q=:eventTime-asc&conferenceCode=CONF2400>
4. Research Project on Recognition and Enforcement of Settlement Agreements and Arbitral Awards for Resolving Commercial Disputes in Vietnam, [https://www.academia.edu/116133102/Báo\\_cáo\\_rà\\_soát\\_tổng\\_quan\\_các\\_sản\\_phẩm\\_đề\\_tài\\_nghiên\\_cứu\\_khoa\\_h%E1%BB%8Dc\\_về\\_Tr%E1%BB%8Dng\\_tài\\_thương\\_mại?fbclid=IwAR3RvXGY240G9uIBdBV8kNHQoeNg5\\_IXZYwBoFBDhe nkW-KM1Yt4L9XqYsw\\_aem\\_AZ62uJ0Z53FWprQGmFKYzEMjO5I4TUGI W5fC46NGTgwPnPmz576SPOZGYiSAQ3w6nDZ5crTcJHTBwgvPc ggMSmyh](https://www.academia.edu/116133102/Báo_cáo_rà_soát_tổng_quan_các_sản_phẩm_đề_tài_nghiên_cứu_khoa_h%E1%BB%8Dc_về_Tr%E1%BB%8Dng_tài_thương_mại?fbclid=IwAR3RvXGY240G9uIBdBV8kNHQoeNg5_IXZYwBoFBDhe nkW-KM1Yt4L9XqYsw_aem_AZ62uJ0Z53FWprQGmFKYzEMjO5I4TUGI W5fC46NGTgwPnPmz576SPOZGYiSAQ3w6nDZ5crTcJHTBwgvPc ggMSmyh)
5. Free Online Courses on Arbitration and Mediation by the United Nations Commission on International Trade Law (UNCITRAL), <https://uncitral.un.org/en/onlinecourses>
6. Paris Arbitration Week 2024, <https://parisarbitrationweek.com/event/>
7. The Ho Chi Minh City International Construction Arbitration Conference HICAC 2024, [https://www.viac.vn/en/news-events/\[save-the-date\]-ho-chi-minh-city-international-construction-arbitration-conference-hicac-2024-n1506.html](https://www.viac.vn/en/news-events/[save-the-date]-ho-chi-minh-city-international-construction-arbitration-conference-hicac-2024-n1506.html)
8. ICCA Hong Kong Congress 2024, <https://icca2024.hk>
9. London International Disputes Week (LIDW): 3/6/2024 – 7/6/2024, <https://2024.lidw.co.uk/programme>
10. The second edition of GAR's The Guide to Evidence in International Arbitration, <https://globalarbitrationreview.com/guide/the-guide-evidence-in-international-arbitration/2nd-edition>
11. the ICC Arbitration and ADR Commission Report on Construction Industry Arbitrations, <https://iccwbo.org/news-publications/arbitration-adr-rules-and-tools/construction-industry-arbitrations-report-icc-commission-arbitration-adr/>



THANK YOU

# ADR VIETNAM CHAMBERS

Visit our website to future newsletters or follow your company's social media channels for regular updates.

The event materials will be posted on the electronic library Academia:  
<https://independent.academia.edu/ManhDzungNguyen>

Thank you for reading!

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Designer: Ha My Linh*