

# ARBITRATE AT VIAC

## SOUND BUSINESS DECISION FOR ENTERPRISES



**FRIENDLINESS**  
**TRANSPARENCY**  
**EFFICIENCY**

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**Vice Secretary General** | Vietnam International Arbitration Centre (VIAC)  
**Member** | Chartered Institute of Arbitrators (CIArb)





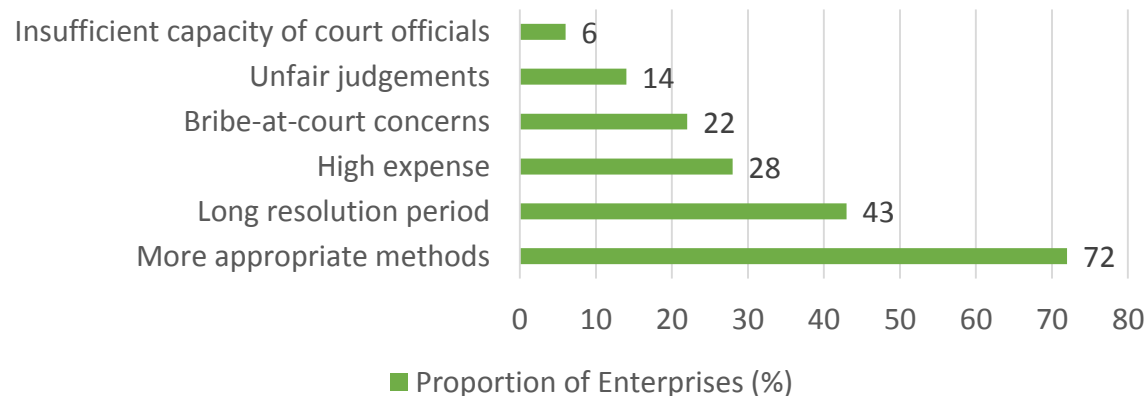
**A**

# **FOREIGN DIRECT INVESTMENT DISPUTES SETTLEMENT AT VIAC**

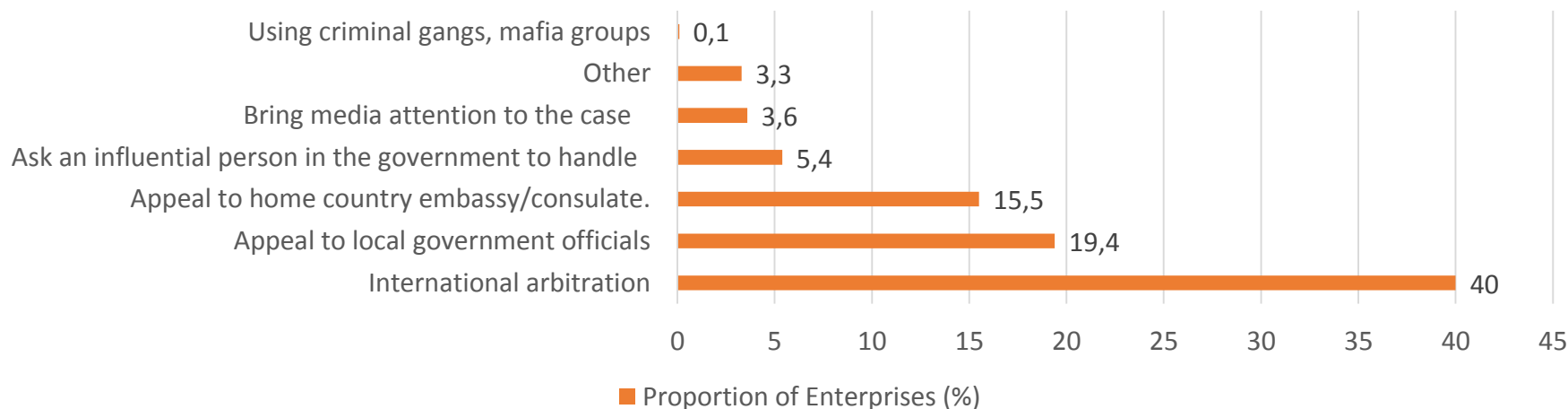
# ANALYSIS OF FDI ENTERPRISES IN VIETNAM

Source: The Vietnam Provincial Competitiveness Index 2017

## FDI Enterprises' reasons not to resolve disputes at courts

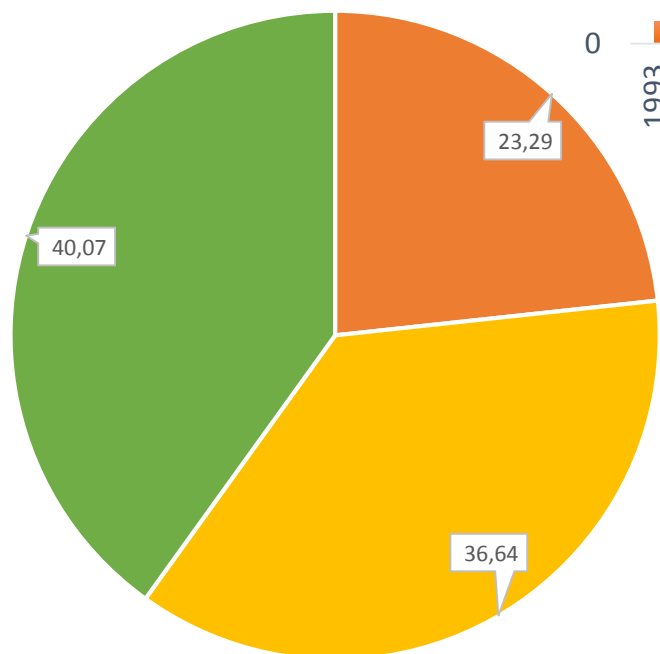
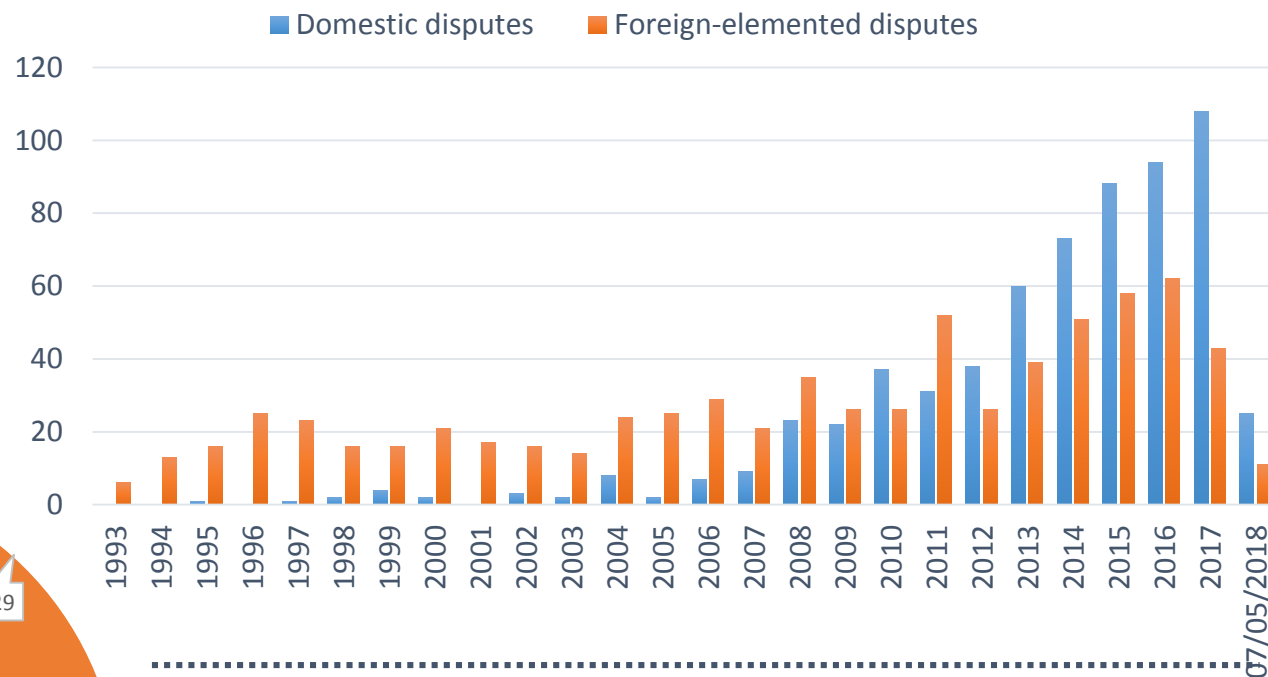


## Outside of courts, what other means do FDI enterprises choose?



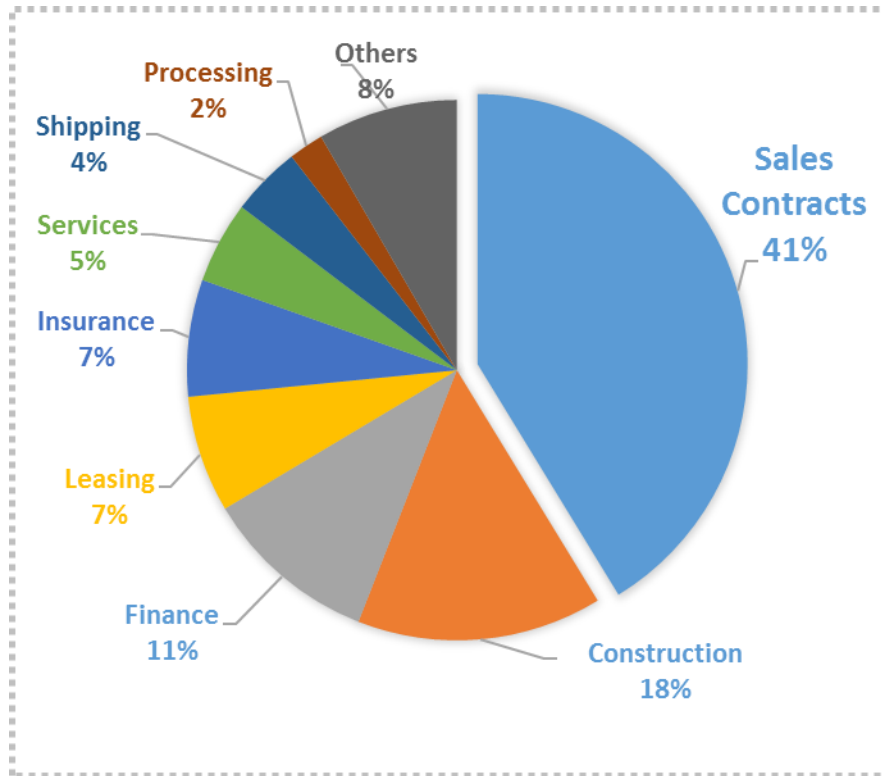
## Statistics of Dispute Properties from 1993 to 07 May 2018

In recent years, the growth rate of domestic cases outnumbers its foreign-related counterparts, which mostly reflects that arbitration are more and more preferred by FDI enterprises.



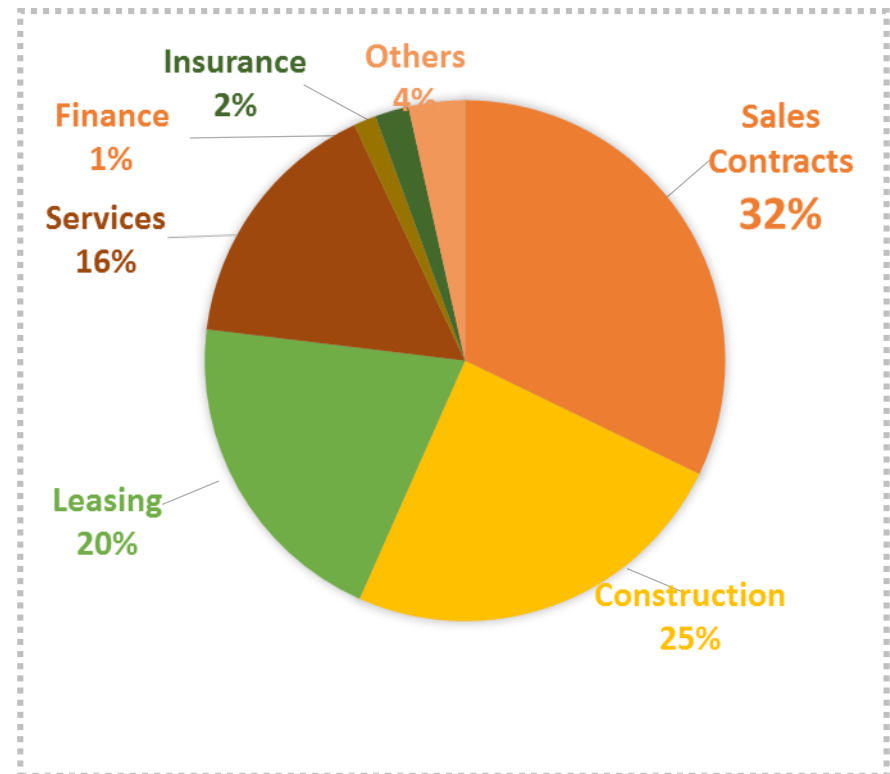
- Foreign direct investment disputes
- Domestic disputes
- Foreign – elemented disputes





Types of Disputes at VIAC

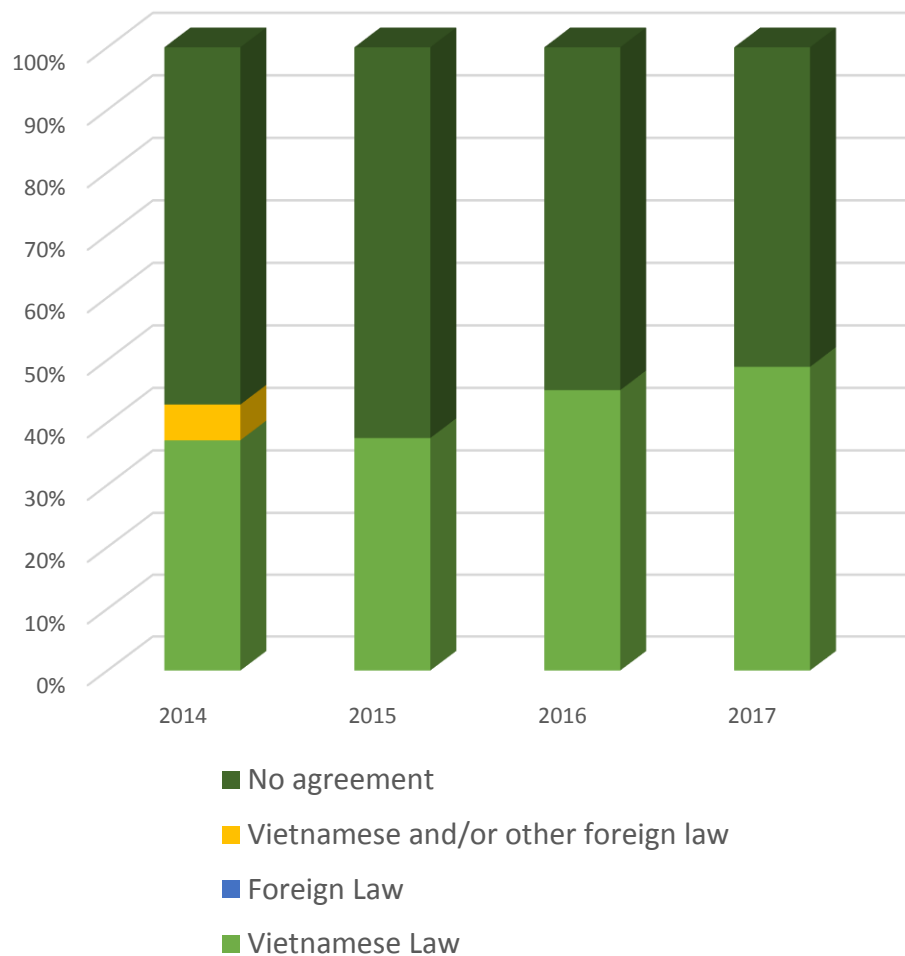
Types of FDI Disputes at VIAC



## Statistics on applicable law (2014 – 2017)

	Vietnamese Law	Foreign Law	Vietnamese and/or other foreign law	Not agreement
2014	37,14	-	5,71	57,14
2015	37,50	-	-	62,50
2016	45,16	-	-	54,84
2017	48,89	-	-	51,11

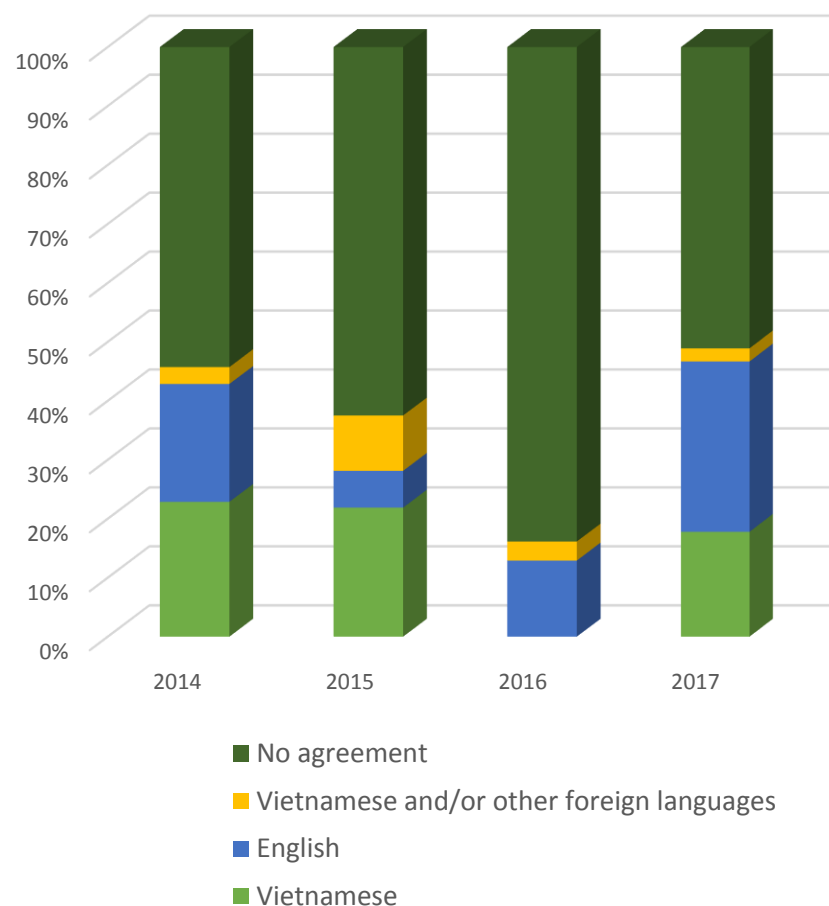
Unit: percentage (%)



## Statistics on language of arbitration (2014 – 2017)

	Vietnamese	English	Vietnamese and/or other foreign languages	No agreement
2014	22,86	20,00	2,86	54,29
2015	21,88	6,25	9,38	62,50
2016	-	12,90	3,23	83,87
2017	17,78	28,89	2,22	51,11

*Unit: percentage (%)*





**B**

# VIETNAM INTERNATIONAL ARBITRATION CENTRE (VIAC)



# FRIENDLINESS TRANSPARENCY EFFICIENCY

- ❖ Established in 28th April 1993
- ❖ Independent and non-profitable





**EXECUTIVE COMMITTEE**

*(Including President and Vice – Presidents)  
directly operates the Centre and the affiliated agencies*

**THE  
SECRETARIAT**

supporting the  
settlement of  
disputes at the  
Centre.

**LEGAL  
SCIENCE  
COUNCIL**

researching on the  
relevant topic of the  
dispute settlement  
and giving advice or  
legal opinions as  
requested.

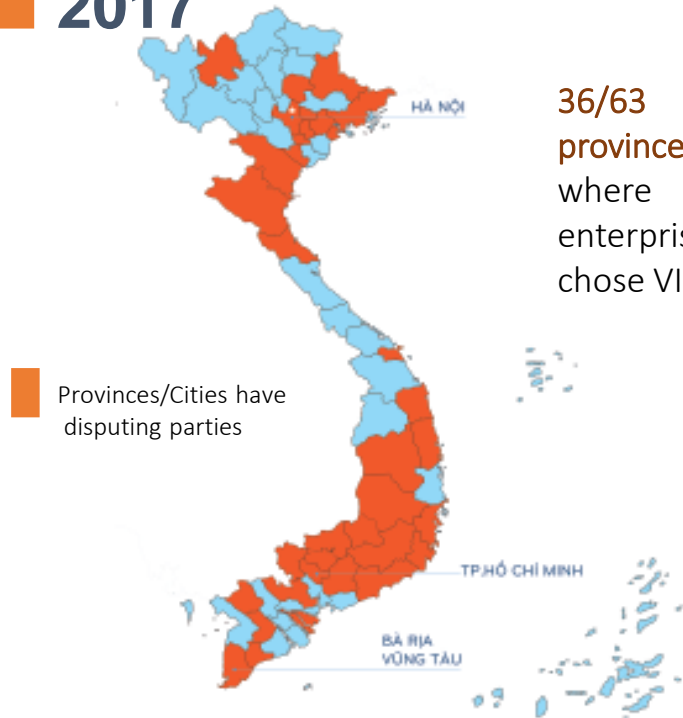
**VIETNAM  
MEDIATION  
CENTRE**

functioning at the  
dispute settlement  
through meditation  
prescribed by law

**DEPARTMENT  
OF  
PROMOTION  
AND TRAINING**

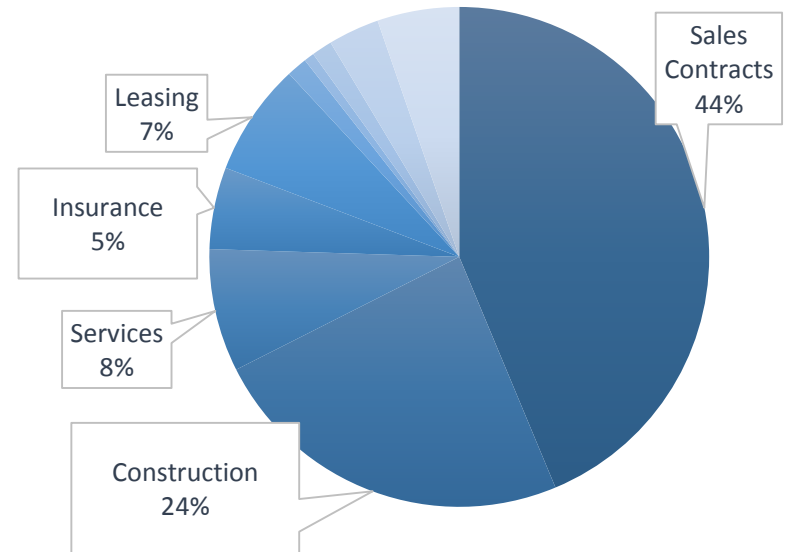
implementing  
promotion and  
training activities

## 2017



In 2017, **China**, **United States** and **Singapore** kept being the countries with the largest number of businesses involved in dispute resolution at VIAC.

Field of Disputes	Number of cases
Sales contracts	66
Construction	36
Services	12
Insurance	8
Leasing	11
Logistics	2
Securities	1
Processing	2
Shipbuilding	5
Others	8



**151**  
CASES



**206**  
Matters

**81**

contracts  
consolidated into

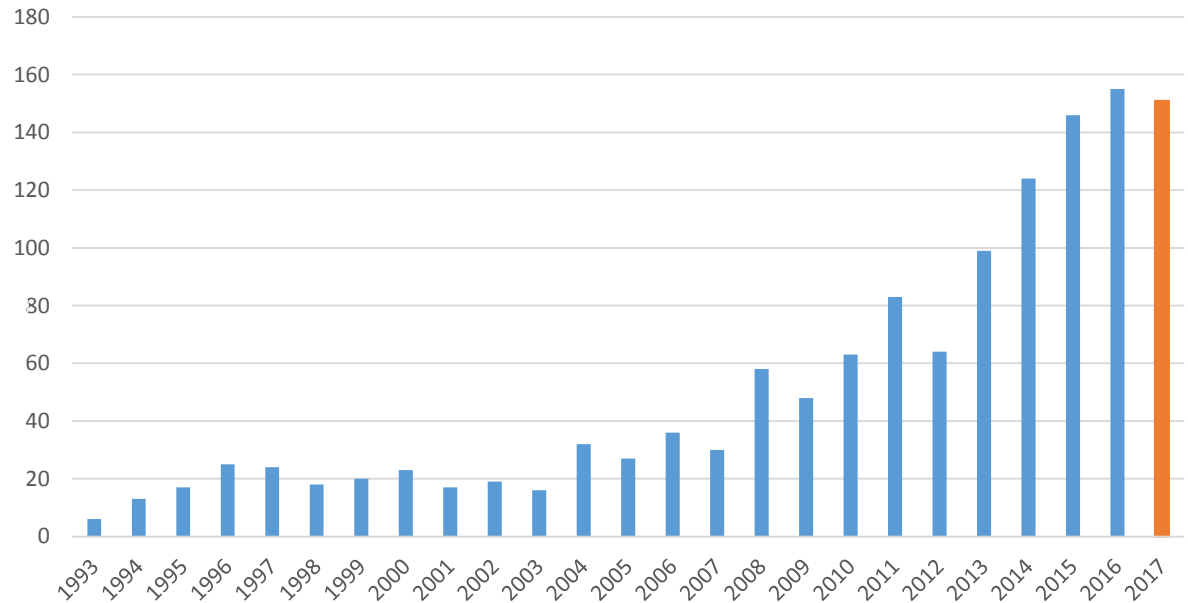
**26**  
CASES

### CASE OF MOST VALUE

~VND **3800** billion

~ \$US **166** million

Number of disputes in VIAC from 1993 to 2017



■ **2017**

**284**

Arbitrator  
appointments



**19** Successful  
Mediated Cases  
(within arbitral proceeding)



Average settlement time  
**158,93** days



1

Article 6:  
Multiple  
Contracts

2

Article 15:  
Consolidation of  
arbitrations

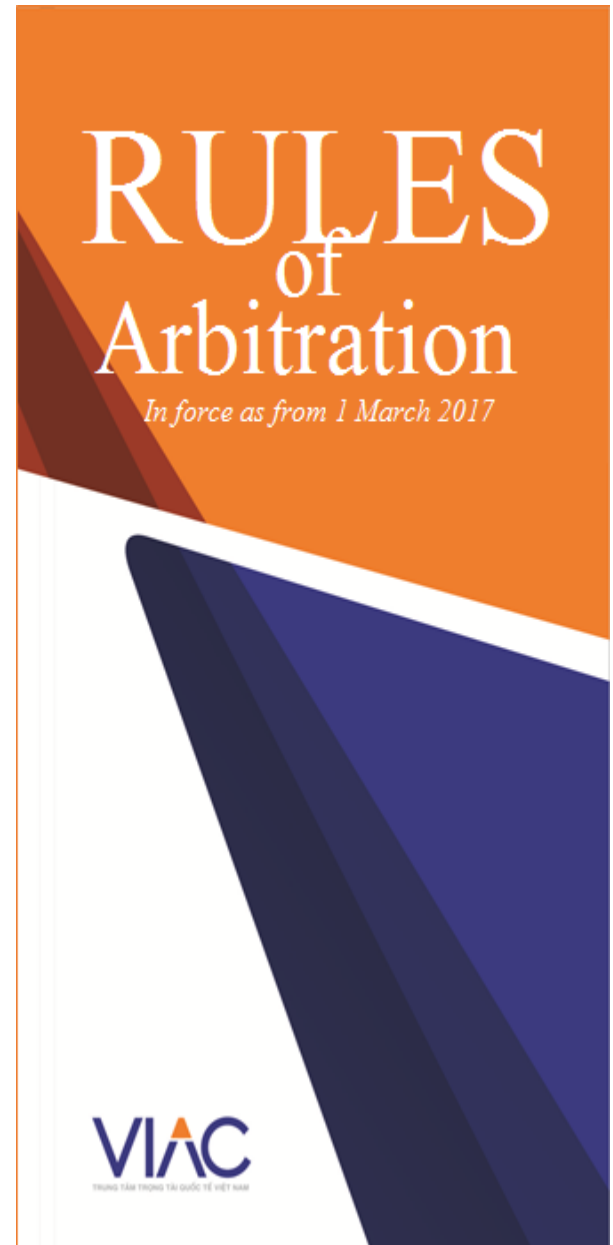
3

Article 37:  
Expedited  
Procedure

35

Amended  
15 Articles

38



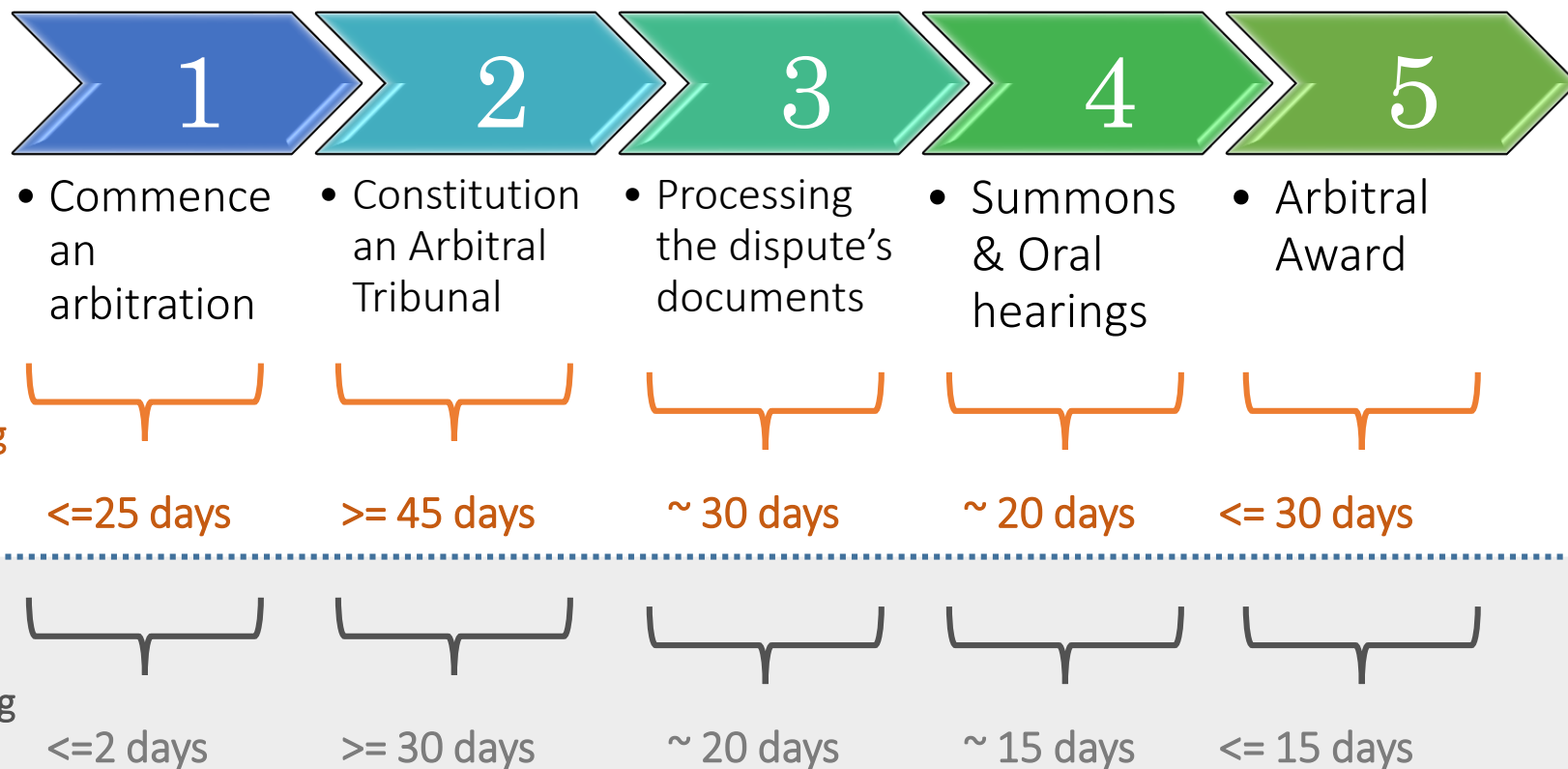


## Article 37: Expedited Procedure

Typical proceedings:  $\leq 200$  days

Expedited proceeding: (expected)  $\leq 100$  days

Arbitral proceedings administered by VIAC:



## Costs

- ❖ Arbitration costs:
- ❖ Attorney fees:
- ❖ Enforcement fees:

7% ~ 7.5% claim value

Recoverable

Direct enforcement procedure by  
Vietnamese Civil Judgement Agencies  
(equal treatment as an enforceable Court judgement)



VIAC has signed MoUs/Agreements with various international organizations to establish official partnerships which allows us to implement many collaborated activities on promoting the dispute resolution method of arbitration or alternative dispute resolutions (ADR).







# ARBITRATE IN VIETNAM, CHOOSE VIAC

## VIETNAM INTERNATIONAL ARBITRATION CENTRE

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