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VIETNAM – AN ARBITRATION-FRIENDLY SEAT

By Nguyen Manh Dzung and Dang Vu Minh Ha

The 25-year bilateral ties between Vietnam and the EU have gone from strength to strength, prosper numerous development in the fields of politics, economy, trade, investment, education and technology, etc., and the EU is undoubtedly one of the most important trading partners of Vietnam. Prior to the commemorative year of 2015, EU and Vietnam may celebrate a number of impressive figures: over EUR 28.2 billion trade in goods in 2014 (which makes EU second only to China as Vietnam’s biggest extra-ASEAN trading partner), with the import-export turnovers with the EU representing 10% of total trade value of Vietnam\(^2\). Meanwhile, the EU also stood among the biggest FDI partners of Vietnam with the total committed FDI of more than EUR 17 billion until March 2015\(^3\). Yet, such achievements may be only the beginning of a strategic partnership with unlimited potential as on 04 August 2015, Vietnam and the EU have finished the negotiation process of the bilateral Free Trade Agreement (FTA) and reached a mutual agreement in principle for a free trade deal\(^4\), pending only a few remaining technical issues.

As trading and investment activities are intensified, it is inevitable that the number of disputes will increase accordingly. Arbitrating in Vietnam, as a consequence, may utilize this opportunity to provide another dispute-resolution option for European companies and investors besides internationally-established institutions such as ICC, HKIAC or SIAC, etc. However, the current state of arbitration practice in Vietnam still more or less remains a mystery for foreign practitioners due to lack of international coverage. Therefore, this article will concentrate on drawing an ample overview of law and practice on arbitration in Vietnam with the hope that it would offer an inside and practical point of view for those who consider selecting Vietnam as the place of arbitration.

OVERVIEW OF ARBITRATION IN VIETNAM

Although the dispute resolution through arbitration in Vietnam may root from the 1960s in the form of state and non-state economic arbitration, it was not until 2003 with the promulgation of the Ordinance on Commercial Arbitration No. 08/2003/PL-UBTVQH11 (the “OCA”) that arbitration with all its modern characteristics as a private dispute resolution mechanism was truly established. Nevertheless, the OCA still revealed shortcomings on many vital issues such as jurisdiction of the arbitral tribunal; arbitrability; validity of the arbitration agreement; the seat of arbitration and annulment of arbitral award, etc.
To overcome such limitations and to narrow the gap between domestic arbitration law and international standards of arbitration, the Law on Commercial Arbitration No. 54/2010/QH12 (the “LCA”) was passed on 17 June 2010 and came into force on 01 January 2011. The LCA was drafted using the UNCITRAL Model Law on International Commercial Arbitration with amendments as adopted in 2006 (the “Model Law”) as baseline, albeit with certain local modifications. The LCA, since its entry into force, has fostered remarkable development for arbitration in Vietnam, with the annual number of arbitration cases at the Vietnam International Arbitration Center (the “VIAC”) in 2014 becoming two times as much compared to that number in 2010 – prior to the implementation of the LCA, more than 51 percent of them are international nature and 20 percent of total cases requiring the application of foreign law.

The number of disputes resolved by the VIAC from its establishment (1993) to 2014

Not only does the domestic commercial arbitration in Vietnam rapidly develop after the issuance of the LCA, the international investment arbitration has also started to receive proper attention from Vietnamese state-owned companies who used to be notorious for non-participation in foreign arbitration proceedings. Notably, Vietnam National Oil and Gas Group (PetroVietnam), a Vietnamese state-owned enterprise, has recently won a $100 million tax-related dispute at the ICC in Paris, thereby demonstrating that it is high time to end the Vietnamese companies holding against arbitrating in foreign institutions.

LEGAL FRAMEWORK GOVERNING ARBITRATION ACTIVITIES IN VIETNAM

Domestic Legislation

(i) The LCA and guiding legislation

The main legislation governing the arbitration in Vietnam is the LCA which includes 13 Chapters and 82 Articles adopting fundamental principles of the 2006 Model Law such as: party autonomy (Article 4.1), separability (Article 19), Kompetenz – Kompetenz (Article 43), the principle of finality (Articles 4.5 and 61.5), confidentiality and the due process principle (Articles 4.4. and 4.3 respectively). Theoretically, these basic principles ensure that the operation of arbitration in Vietnam shall be in line with the international practice, making arbitration truly become an effective and impartial alternative dispute resolution method.

Having adopted the fundamental principles, the LCA drafters then included certain deviations and additional regulations tailored to local circumstances, especially:

Arbitrability: Article 2 (1) and (2) of the LCA provide that disputes arising from commercial activities or arising between parties at least one of whom is engaged in commercial activities is arbitrable. The term ‘commercial activities’ lends its interpretation to Article 3 (1) of 2005 Commercial Law of Vietnam as “all activities of profit-making purposes, including, inter alia, sale and purchase of goods, service provider, investment and commercial promotion”.

Qualification of the arbitrator: as the arbitration in Vietnam has just developed in recent years, in order to ensure the quality of the dispute resolution through arbitration, Article 20 of the LCA set out compulsory requirements for arbitrators.

The power of arbitral tribunal to summon witnesses: Article 47(1) of the LCA empowers the arbitral tribunal to summon witnesses to attend the hearing if requested by one or both parties and the arbitral tribunal finds it necessary.

Requirement for domestic ad-hoc arbitral award to be registered: in order to be enforced in Vietnam, under Article 62 of the LCA, ad-hoc arbitral award must be registered with the local court where the award is rendered.

Grounds for annulment of the arbitral award: one of the grounds to challenge the arbitral award before the Vietnamese court is “violation of fundamental principles of Vietnamese laws” which is a deviation of the concept of “public policy” as provided in Article 34 (2) (b) (ii) of the Model Law.

To improve the effectiveness and feasibility of the LCA, on 20 March 2014, the Council of Judges of the Supreme People’s Court of Vietnam issued the Resolution No.01/2014/NQ-NDTP – Guiding the Implementation of Certain Provisions of the LCA (“Resolution No.01”). Resolution No.01 is regarded as a remarkable improvement of Vietnamese arbitration law which provides a number of “pro-arbitration” amendments and interpretations, notably:

- Strengthening the enforceability of the arbitration agreement;
- Setting out legal bases for consolidation of disputes;
- Defining the supervisory and supportive role of national courts towards foreign arbitration seated in Vietnam;
- Providing interpretation on the validity and operability of arbitration agreements;
- Providing strict and narrow interpretations of grounds for annulment of arbitral award;
- Limit the vague “fundamental principles of Vietnamese laws” to “basic principles on conduct, whose effects are most overriding in respect of the development and implementation of Vietnamese law” or “interests of the government and the legitimate rights and interests of one or both parties or of third party”, and

- Clarifying the procedures for *ad hoc* arbitration in Vietnam under the support of local courts; etc.

However, it should be noted that Resolution No.01 has just come into force for 01 year (since 02 July 2014) hence it still remains untested on whether these positive regulations would be proven practically effective in ‘filling the gap’ of Vietnamese arbitration law.

**(ii) Civil Procedure Code of Vietnam**

Another deviation of the Vietnamese arbitration law in comparison with the Model Law is that the recognition and enforcement of foreign arbitral award is not governed by the LCA. Instead, this issue is regulated by Part XI – Chapter XXIX of the Civil Procedure Code of Vietnam (the “CPC”). Chapter XXIX is considered as mainly adopt the 1958 New York Convention on Recognition and Enforcement of Foreign Arbitral Award (the “New York Convention”) with certain modifications which are:

- The CPC does not specify the burden of proof of the award debtor in the proceedings of recognition and enforcement of foreign arbitral award as provided in Article V of the New York Convention. Therefore, the local court usually wrongly places such burden on the award creditor.

- Article 370 of the CPC provides the same exceptional circumstances for recognition and enforcement of foreign arbitral award as in Article V of the New York Convention. Nevertheless, similar to annulment of domestic arbitral award, foreign arbitral award can be refused to be recognized and enforced if it is in breach of “fundamental principles of Vietnamese laws” instead of “public policy”.

Notably, the Supreme People’s Court is now under the process of reviewing and amending the CPC and in the latest draft of amendment, the provision on the burden of proof has been supplemented. Nevertheless, there is still no clear indication of which principles would be considered as “fundamental” and thus still be left as a huge gap in the arbitration law of Vietnam.

**(iii) The Civil Code and other substantive laws**

As arbitration agreement is considered as a special “civil transaction”, it is inevitable that the Civil Code applies to govern certain aspects of arbitration agreement, especially its interpretation. Besides, provisions which permit the use of arbitration to resolve disputes arising within many fields can be found in numerous substantive laws such as 2014 Law on Investment, 2014 Law on Enterprise, 2005 Maritime Code, 2009 Law on Construction, etc., which strongly cements the broad scope of arbitrable disputes.

Last but not least, the Ministry of Justice is in the process of drafting the first legislation on Commercial Mediation in Vietnam, and it is believed that instead of being threatened by the development of mediation, arbitration in Vietnam shall gain even more benefits by the open policy to ADR implemented by Vietnamese government.

**International Treaties**

Besides the domestic legislation, the arbitration in Vietnam is also governed by the bilateral and multilateral international treaties of which Vietnam is a member.

Vietnam acceded the New York Convention in 1995 with two reservations, namely (i) the Convention shall be applied for arbitral award rendered in the territory of another contracting state; with regard to awards made in territory of non-contracting states, Vietnam will apply the Convention in accordance with reciprocal principle; (ii) the Convention shall be applied for disputes arising from commercial relations which shall be interpreted under the laws of Vietnam.

Vietnam has also signed Bilateral Investment Treaties ("BIT") with 62 countries and territories, 46 of them are still in force. Vietnam is members of 08 Free Trade Agreements ("FTA") and is in the process of negotiation of 08 others including the mega regional Trans-Pacific Partnership ("TPP")11. Remarkably, on 04 August 2015, Vietnam and the EU finished the negotiation of the Europe – Vietnam FTA ("EVFTA") which is expected to be officially concluded in the near future. Vietnam is 2nd country in ASEAN, after Singapore, succeeding in negotiation on the individual FTA with EU12 which will play an important part in the conclusion of the ASEAN-EU FTA.

Most of such investment treaties and free trade agreements provide for arbitration as one dispute resolution method, therefore, though Vietnam has not signed the Washing Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the “ICSID”), the risk of investor-state arbitration is not lessened. Indeed, Vietnam has involved in seven (07) investment arbitration cases with foreign investors proceeded under the UNCITRAL Rules. Among them, Vietnam successfully settled one case, Trinh Vinh Binh v. Vietnam, and won two cases: Michael Mackenzie (South Folk)13 and Dial/Asie SAS13. The four remaining ones, which are revealed to be RECOFI14, TVB, Saigon Metropolitan Limited and Sezako, are still pending17.

Most recently, upon the positive responses of competent authorities such as the Ministry of Industry and Trade, Ministry of Foreign Affairs, Vietnam Chamber of Commerce and Industry and especially the Standing Committee of the National Assembly, Vietnam is going to ratify the 1980 Convention on Contract for International Sale of Goods (the “CISG”) in the near future. It is believed to make significant changes in the sale contracts between Vietnamese and foreign parties.

**KEY LEGAL ISSUES OF VIETNAMESE ARBITRATION LAW**
Arbitration Agreement & Jurisdiction of Arbitral Tribunal

Although staying in line with the most fundamental principles concerning arbitration agreement, Vietnam arbitration law does contain certain notable peculiarities.

One of the key points is concerning the negative effect of the kompetenz-kompetenz principle. That is, unlike Article II(3) of the 1958 New York Convention and Article 9 of the Model Law, Article 6 of the LCA specifically requires the court, with or without a request from either party, to actively refuse jurisdiction to hear any claim upon noticing the existence of an arbitration agreement. Such provision, however, resulted from practical concerns: the CPC only allows the court five (05) days to decide whether or not to enroll a claim, including inter alia consideration of whether (i) an arbitration agreement exists and (ii) whether such arbitration agreement is prima facie valid and operable as obligated by Article 6 of the LCA. In order to satisfy such time-limit under the CPC, Resolution No.01 has boldly minimized the scope of courts’ prima facie review of arbitration agreement to (i) the physical existence of such an agreement and (ii) whether the arbitration agreement is obviously incapable of being performed (for e.g. non-existent arbitral institution). Resolution No.01 thereby precludes invalidity of arbitration agreement from the review process of the court as such an issue was deemed too complex to decide within just five days.

Another important point made clear by Resolution No.01 is the reviewability of negative jurisdiction decisions. Although the travaux préparatoires of the Model Law did explain that “a ruling by the arbitral tribunal that it lacked jurisdiction was final (…) it was inappropriate to compel arbitrators who had made such a ruling to continue the proceedings”18. The LCA and Resolution No.01, nevertheless, devise a procedure for the Court to review even negative jurisdiction decisions of the Tribunal19.

Arbitrators

The introduction of the LCA catalyzes opportunities for foreign arbitrators to participate in the dispute resolution process in Vietnam, clearing the unreasonable restriction under Article 12 of the OCA which allows only Vietnamese citizens to become arbitrator. This movement indeed gave a massive boost for arbitration activities in Vietnam especially in terms of quality of arbitration and the confidence of foreign parties in opting for arbitration here, knowing that they are now allowed to be represented by foreign attorneys and appoint foreign arbitrators who understand their legal backgrounds.

Having said that, foreign arbitrators hearing dispute in Vietnam should prepare themselves for certain deviations from international practice and domestic shortcomings. First of all, the LCA provide no immunity for arbitrators (or judges), and arbitrators may be held liable to the parties under the general principles of contract law and tort under Article 49(5) of the LCA.

Furthermore, concepts of “independence and impartiality” are more often than not misunderstood by local judges – there was even case where the whole Tribunal was found being “not objective and impartial” as the Tribunal was purportedly overlooking an items in one party’s claims20. There is also no procedure to challenge against arbitrators at the national court similar to Article 13(3) of the Model Law, which means that only at the stage of challenging the arbitral awards can parties have the court to hear their concerns over independence and impartiality of arbitrators.

Arbitral Procedure

In general, procedural provisions without the phrases “unless parties agree otherwise” are believed to be mandatory under the LCA. The proceedings, therefore, is rather rigid with numerous obligatory steps and procedures.

Regarding the taking of evidence, on top of the absence
of any practical regulation or guidance, unfamiliarity with international standards such as IBA Rules on Taking of Evidence in International Arbitration is also a practical problem. Even tribunals with international members are reluctant to directly refer to such guideline without the express consent of the parties to avoid creating procedural irregularity.

Another local particularity of the arbitral procedure in Vietnam is that the arbitral tribunal is explicitly granted the power to summon witnesses as provided in Article 47 (1) of the LCA, whether such witness is within the control of either party (corporate officers, directors or senior employees of a party) or not (subcontractor, former directors, etc.). The local court shall support the tribunal in ensuring the participation of witnesses if the relevant witnesses are validly summoned by the tribunal but not appear at the hearing without justifiable reasons and their absence constitutes an obstacle to the resolution of the dispute.

Recourse against domestic arbitral award

Under a mandatory rule as stipulated in Article 61(3) of the LCA, the arbitral award must be rendered no later than 30 days from the date of the final hearing. The arbitral award shall immediately become final and binding upon the disputing parties and can be enforced under the 2008 Law on Enforcement of Civil Judgment in a similar effect as the judgment of the court if it is not annulled by the local court. Ad-hoc arbitral awards must be registered with local court where it is issued before it can be enforced.

The party who disagree with the decision of the arbitral tribunal can apply to the national court where the award is rendered to request to set aside the award within 30 days as from the date of receipt such award, shorter than the three-month limitation in Article 34 (3) of the Model Law.

Regarding the grounds for challenging of the arbitral award, Article 68 of the LCA follows Article 34 (2) of the Model Law with only two main differences. The first one, adopted from arbitration law of China, related to forged evidence and the arbitrators received money, assets and other material benefit from disputing party. Another deviation is the concept of “fundamental principles of Vietnamese laws” – the domestic replacement of the term “public policy” in Article 34 (2) (b) (ii) of the Model Law, albeit with much broader and more vague scope of application. In fact, such ground has become a typical term as a backdoor to arbitrarily revisit the merit of the case.

According to a report of the VIAC published at a conference on the annulment of arbitral award in January 2015, from 2003 to 2014, only 46 out of 679 VIAC’s arbitral awards were challenged and among them, 19 were set aside. However, arbitration in Vietnam may well find the light at the end of tunnel in the case between Vinalines, one of the largest stated-owned shipping corporations in Vietnam, and SK E&C, a Korean construction contractor. In this case, Vinalines typically relied on a number of grounds including the violation of fundamental principles of Vietnamese laws to request the People’s Court of Hanoi to set aside the arbitral award, which were then dismissed by the Court. Notably, the decision was reached under intense pressure from the local shipping giant and without reviewing on substantive issues of the dispute, which is expected to setting out the blueprint for future similar cases.

Recognition and Enforcement of Foreign Arbitral Awards

Under Article 3 (12) of the LCA and Article 342 (2) of the CPC, foreign arbitral awards are defined as an award rendered by foreign arbitration either inside or outside the territory of Vietnam in order to resolve a dispute as agreed by the parties. As a result, an arbitral award issued by a foreign arbitration such as SIAC or HKIAC seated in Vietnam and conducts under their own rules will still be considered as foreign arbitral award and fall within the regime of recognition and enforcement in the CPC.

The recognition and enforcement of foreign arbitral awards has always been regarded as one of the drawbacks of the Vietnamese arbitration. This problem comes from the difference between the CPC and the New York Convention which is often misinterpreted by the local court. Certain misapplications include:

(i) Substantial and repeated delays in the consideration process with heavy burden of proof reversed to award creditor instead of award debtor;

(ii) Utilizing domestic litigation standards to determine validity of service of arbitration notices conducted by international arbitration institutions. This is a common scene for default arbitral award against Vietnamese recalcitrant respondents where the respondent stayed completely silent throughout the whole process only to later claim that such silence was due to erroneous communications by the institutions;

(iii) Using Vietnamese law and subjective understanding to interpret provisions of foreign law especially on capacity to sign of foreign entities, which mostly results in a finding that the signatories of foreign party lack the capacity to sign despite contrary statements by foreign lawyers’ affidavits, and

(iv) Arbitrarily applying “fundamental principle of Vietnamese laws” to refuse recognition and enforcement of foreign arbitral award.

Such bad practice is the main culprit for an unbelievably high rate of refusal of recognition and enforcement: according to the latest report of the Supreme People’s Court at a conference on the recognition and enforcement of foreign arbitral award held by the MOJ in November 2014, 24 out of 52 applications for recognition and enforcement were dismissed, 46% of the foreign arbitral awards were refused to be recognized and enforced in Vietnam.

Recently, the Supreme People’s Court of Vietnam issued Official Correspondence No. 246/TANDTC-KT dated 25 July 2014 (Correspondence No. 246), which is an internal guide of the court on certain issues regarding the recognition and enforcement
of foreign arbitral awards. This Correspondence emphasizes the correct approach towards basic issues such as burden of proof of the award debtor, the applicable law in considering the arbitral procedure and the signatory capacity of disputing parties.

It is expected that this positive clarification will pioneer necessary amendments in the CPC to effectively ensure enforceability of the foreign arbitral award, though as of now, the Correspondence is only a temporary remedy and potential award creditor may have to make additional efforts to satisfy the overly-strict standards set out by local judges.

**The Role of National Courts in Arbitral Activities**

Generally, the LCA, Resolution No.01 and Correspondence No.246 show positive supporting role of the national court toward arbitral activities. Furthermore, Resolution No.01 and Correspondence No.246 affirm the positive role of the Supreme People’s Court in guiding the implementation of both the CPC and the LCA.

Articles 46, 47 and 48 of the LCA allow the arbitral tribunal to request the national court to support the tribunal in summoning witnesses and collecting evidence. In addition, per Article 49(2) of the LCA, the court may also apply interim reliefs in assisting the arbitration. Nevertheless, as the burden of proof and responsibility for requesting unjustified reliefs are totally borne by the applicant for interim reliefs, the court are free to determine whether to grant the requested reliefs. Therefore, the court sometimes orders inappropriate measure which is not in line with the international practice, e.g. stopping payment from irrevocable Letter of Credit.

Moreover, pursuant to Article 5 (5) of the Resolution No.01 the national court is also eager to support foreign arbitration in arbitral activities.

**ARBITRATION INSTITUTIONS & PLAYGROUND FOR INTERNATIONAL PRACTITIONERS**

According to the latest information provided by the MOJ, there are now 12 arbitration institutions in Vietnam with total of 350 registered arbitrators. Among them, VIAC is the largest and also most reputable center. The number of disputes settled in VIAC is growing gradually. Especially, in 2014, the figure reached its peak of 22 years of operation at 124 cases. More remarkable, only in the first 08 months of this year, the center has accepted 95 cases. The list of arbitrators of VIAC contains 149 reputable arbitrators including 17 foreigners. It should also be noted that it is not compulsory to be listed on the panel of arbitrators of VIAC to be appointed by the parties. According to the VIAC Rules of Arbitration, parties are free to appoint arbitrators outside the list of VIAC regardless of their nationality as long as they meet the mandatory qualification as specified by Article 20 of the LCA. Furthermore, unlike the court proceedings, foreign lawyers are allowed to act for clients in arbitration without being admitted to or obtaining certificates from the national bars.

Apart from the Vietnamese arbitration centers, the LCA also opens door for international arbitration institutions to open either branch or office representative in Vietnam which is in line with the commitments of Vietnam in the accession to the World Trade Organization (“WTO”). Though there has not been any branch or office representative of international arbitration institution registering for operation in Vietnam at the moment, this regulation would be a promising condition for the improvement of arbitration market in Vietnam in the future.

**CONCLUSION**

In spite of the existing drawbacks, arbitration in Vietnam is founded on a sound legal framework which will be the cornerstone for improvement in the future. With due attention from legislators, it is expected that the revision and guidance of the LCA, CPC, Civil Code and other legislation will bring the arbitration in Vietnam closer to the standards of international practice. In the context of upcoming EVFTA and TPP which may drag along more commercial and investment disputes, we believe that Vietnam arbitration is capable to make significant improvement in the near future. Additionally, the birth of the first legislation on commercial mediation is actually more supportive than competitive for arbitration, enhancing the usage of multi-tiered dispute resolution and fortifying the pro-ADR policy of Vietnamese government.

Concurrent with bolstering the positive side, Vietnam also aims at diminishing some same-old legislative and practical frustrations hindering the development of arbitration in Vietnam. Indeed, competent authorities pioneered by the MOJ and practitioners are making considerable effort to put an end to the bad record of recognition and enforcement of foreign arbitral award in Vietnam, which is the fear of many foreign partners while trading with Vietnamese parties. Under the perspective of foreign traders, in order to enhance the enforceability of the foreign arbitral award and protect their rights and interests, potential award creditor should take the following issues into account:

- The signatory capacity and the validity of the arbitration agreement: it is advisable that any document which clearly indicates the authority of the signatory, such as business license or the power of attorney, etc. should be prepared in hand.

- Due process in ex-parte proceedings: In order to avoid the risk that the award debtor may argue that they are not duly summoned to the hearing, any evidence on the service of arbitral notices should be kept. Additionally, foreign parties are also advised to appoint local bailiffs or lawyers to serve arbitral notices on the Vietnamese parties as an extra method.

Finally, the implementation of the LCA are also under strict reviewing by the MOJ and the Supreme People’s Court, assisted by reputed local and foreign experts such as the International Finance Corporation (IFC) of the World Bank Group. All things considered, it is reasonable to bet on a bright future for arbitration in Vietnam.

2. ‘EU and Vietnam reach agreement on free trade deal’ (WTO Center – VCCI, 04 August 2015) <http://wtocenter.vn/content/eu-and-vietnam-reach-agreement-free-trade-deal> accessed 20 August 2015


5. More information can be found at http://eng.viac.vn/


9. ibid


12. ‘FTA by country/economy’ (International Regional Integration Center – ADB) <http://aric.adb.org/fta-country> accessed 24 August 2015


19. Article 44 of the LCA as clarified by Article 10 of Resolution No.1


21. Hong Phat v China Policy Limited (2013), People’s Court of Ho Chi Minh City; Toepfer v Sao Mai (2011), The Appellate Court – Supreme People’s Court of Hanoi


23. Vinalines v SK E&C (2014), Decision No. 09/2014/QD-PQTT of the People’s Court of Hanoi


[BIOGRAPHIES]

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Pedro Sousa Uva (born 1979) is an Associate Lawyer at Miranda Correia Amendoeira & Associados. His practice focuses on litigation and arbitration.

Pedro is a Graduate of the Lisbon Law School of the Portuguese Catholic University (2003). Pedro was admitted at the Portuguese Bar in 2006.

Before joining the Firm in May 2013, Pedro worked for almost ten years as an Associate at Abreu Advogados law firm, where he focused his practice in the areas of litigation and arbitration. He currently acts as counsel in institutional arbitral proceedings.

Between 2009 and 2010, he participated in the International Arbitration Group’s Intern Program, in London, at Wilmer Cutler Pickering Hale and Dorr LLP.

Pedro is a former scholarship student of the Katolieke Universiteit Leuven, Belgium, where he pursued studies in International Arbitration (2001/2002). He completed an LL.M in Comparative and International Dispute Resolution at Queen Mary University of London (2008/2009), where he focused on International Commercial Arbitration, International Trade and Investment Dispute Settlement and Alternative Dispute Resolution.

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He has just participated in the 3rd Intensive Program for Arbitrators organized by the Portuguese Chamber of Commerce and Industry (April 2015).

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Gonçalo Malheiro is Junior Partner at PBBR Law Firm and co-head of its Litigation and Arbitration Department, currently acting as counsel in both ad hoc and institutional arbitration proceedings (domestic and international arbitration).

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Besides publishing in English and Portuguese on different arbitration subjects, Gonçalo is also Co-Founder of YAR - Young Arbitration Review.


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Paula Redondo Pereira is the Head of Cabinet of the Secretary of State for European Affairs at the Ministry of Foreign Affairs of Portugal. Paula holds a law degree from NOVA University of Lisbon, a LL.M. from Georgetown University in Washington DC, and a Masters in European Studies from Católica University in Lisbon. She is a PhD candidate from NOVA University of Lisbon.

Between 2004 and 2010 she was an associate at Uriá Menéndez in Lisbon and Simpson Thacher & Bartlett LLP in New York and from 2010 to 2013 she worked as legal advisor to the Portuguese Securities Market Commission (CMVM). From 2011 to 2013, she was also a visiting professor of capital markets law at NOVA University – Angola Business School. She served as legal advisor to the Secretary of State for European Affairs from December 2013 to September 2014, before her nomination to her current position as the Head of Cabinet.

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J. Félix de Luis is, in Spain, Central Government Attorney (Abogado del Estado); A.M.P Advanced Management Program (HARVARD BUSINESS SCHOOL. Boston, US); LL.M. Master in Law (COLUMBIA LAW SCHOOL. New York, US) and PADE, Programa Alta Dirección de Empresas (IESE. BUSINESS SCHOOL. Madrid, SPAIN). He is empanelled as Arbitrator in different Arbitration Courts in Asia such as:

- CIETAC, China International Economic and Trade Arbitration Commission; HKIAC, Hong Kong International Arbitration Centre; SHIAC, Shanghai International Arbitration Centre; SCIA, Shenzhen Court of International Arbitration; Weihai Arbitration Commission (Province of Shandong). PEOPLE’S REPUBLIC OF CHINA.
- SIAC, Singapore International Arbitration Centre. REPUBLIC OF SINGAPORE.
- KLRCA, Kuala Lumpur Regional Centre for Arbitration. MALAYSIA.
- KCAB, Korean Commercial Arbitration Board. REPUBLIC OF KOREA (SOUTH KOREA).
- CAA, Chinese Arbitration Association. REPUBLIC OF CHINA (TAIWAN).
- PDRCI, Philippine Dispute Resolution Centre, Inc. REPUBLIC OF THE PHILIPPINES.

Nguyen Dzung has mainly specialized in all types of international dispute resolution in Vietnam including settlement negotiations, litigation before economic and civil courts of major cities of Vietnam and international arbitration conducted under ICC Rules and Arbitration Rules of Vietnam International Arbitration Center (VIAC) in Vietnam. He has closely worked with a number of international law firms in the settlement of maritime, commercial and investment disputes by way of international litigation and arbitration in other jurisdictions such as Singapore, Hong Kong, United Kingdom and France.

He is a Recommended Lawyer for Vietnam Jurisdiction in the International Who’s Who of Transport/Shipping Lawyers 2015 and a Leading lawyer in the Dispute Resolution Practice by The Legal 500 Asia Pacific 2015 Edition.

Nguyen is currently working at Dzungsrt & Associates LLC where he is the managing partner. He is Member of Editorial Team of the Ministry of Justice of Vietnam’s Drafting Board of Governmental Decree on Commercial Mediation in Vietnam; Member of Research Council of Vietnam International Arbitration Center (VIAC) beside Vietnam Chamber of Commerce and Industry (VCCI) and Member of Policy Making Board of the MOJ’s Project No. 123 to establish a professional training center for lawyers meeting international economic integration.
Minh Ha is a junior associate of Dzungsrt & Associates LLC, a boutique Shipping & ADR Law Firm in Vietnam. She focuses mainly on commercial arbitration.

Minh Ha obtained her first degree in law from Diplomatic Academy of Vietnam (DAV) and was ranked among the Top 10 graduates in her class. She got her LLM in International Commercial Law at School of Law, University of Leicester, United Kingdom. Deeply immersed in the education of a leading common law country, Minh Ha is familiar with the common law system and well understand the difference between common law and civil law systems. Specializing in International Commercial Law, she usually involves in drafting legal advices and statements in both Vietnamese and English and assisted clients in local courts and arbitration in relevant fields. She also assists the shipping team of Dzungsrt & Associates LLC in resolving several cases regarding cargo claims, maritime incidents, charter-parties, etc.

Minh Ha is also a research assistant of Mr. Nguyen Manh Dzung (MCIArb) and participating in commenting on the Draft of the Decree on Commercial Mediation and the Amendment of the Civil Code of Vietnam.

Leonardo Marques dos Santos is a Senior Associate at PLMJ.

He was a LLM student in International Taxation, International Tax Center at the University of Leiden (The Netherlands), 2009. Leonardo is a Guest assistant in tax law at the Faculty of Law of Universidade Católica Portuguesa, since 2010 and Lecturer in postgraduate course in tax (Third Sector Taxation and Introduction to IRS), Universidade Católica Portuguesa (Católica Tax), in 2013.

Before working at PLMJ, Leonardo was a Legal Adviser to the Minister of the Presidency and of Parliamentary Affairs and a Legal Adviser to the Secretary of State of the Presidency of the Council of Ministers.

António Júdice Moreira is a Senior Associate at PLMJ.

His practice initially focused on civil and commercial litigation and subsequently on arbitration; He joined PLMJ Arbitration team since its inception where he consistently handled both domestic and international arbitration proceedings.

António is a member of the Portuguese Bar Association and Co-Chairs its Sub40 Committee. He holds an LL.M from Georgetown University Law Center (Washington DC) in International Legal Studies.

Antonio writes regularly on arbitration and mediation related matters for national and international publications, he acted as speaker on conferences and seminars, notably the Congress of the Commercial Arbitration Centre and the 2013 ICC Advance Seminar in Lisbon.

Father of two.
João Nuno Barros is a Portuguese trainee-lawyer at N-Advogados – Nuno Albuquerque, Deolinda Ribas – Sociedade de Advogados, R.L. He also provides legal advice in the area of intellectual property, particularly regarding national, european and international brands and patents matters, at N-Protect – Consultoria em Propriedade Intelectual, Lda.

He holds a law degree from Minho University, and is currently completing two Master’s Degrees: Master of Contracts and Business Law from Minho University, and Master of Law and Business Management from Portuguese Catholic University. He also attended the First Intensive Course in Arbitration, organized by IUS DICERE and PLMJ, in 2013.

As a trainee-lawyer at N-Advogados, he has been involved in both domestic and international arbitration issues, as well as in court litigation in several areas, especially in corporate and commercial law, as such as in sports law. His work has been equally developed in the areas of contracts drafting, international investment, and international private law issues.

Gracious Timothy is currently positioned as an Associate Lawyer at A K Law Chambers, a boutique arbitration and commercial litigation firm in Chennai. Here, he is exploring the realms of Commercial Arbitration and Mediation with utmost dedication and enthusiasm. Gracious has his inclination towards pursuing his career as a Mediator while establishing himself in the allied areas of arbitration and commercial litigation. He is an Accredited Mediator enlisted under the IIAM Panel of Mediators and an active Young Mediator under the Young Mediator’s Initiative by IMI, Hague. He is also the Associate Editor of ADR World, an e-magazine by India International ADR Association (IADRA) which, focusses on refining ADR practice both in India and internationally.

Ayça is a graduate of Bilkent University Faculty of Law and she is admitted to Istanbul Bar Association. She worked in major firms in Turkey following which she joined Çetinel law firm in 2011.

Her areas of practice primarily include domestic and international commercial and investment arbitration, construction law; and she advises clients in corporate, commercial and regulatory matters.

She is a member of International Bar Association (IBA), London Court of International Arbitration Young International Arbitration Group (LCIA YIAG), International Chamber of Commerce Young Arbitrators Forum (ICC YAF), ArbitralWomen, Stockholm Chamber of Commerce and International Public Private Partnership Association (Uluslararası Kamu Özel İşbirliği Derneği).

She is a native Turkish speaker and she speaks English.

Pınar Yamaner is a graduate of İstanbul Bilgi University Faculty of Law.

She joined Çetinel Law Firm in 2014.

Pınar practices domestic and international commercial arbitration along with public procurement and international construction law.

She is a native Turkish speaker and she speaks English and French.
The Georgetown Club Portugal invites you for the Club Annual Meeting

NOVEMBER 2015

More details to follow soon

The Club was founded in 2010 to gather Portuguese alumni, researchers, professors and lectures, who had the chance to experience the spirit of Georgetown University. Membership is free of charge. The Club has no legal existence nor official sponsors. We are an informal network club, which totals approximately 40 members.

We look forward to meeting you!

Find us at
www.facebook.com/groups/GeorgetownPortugal/

Questions or suggestions? Send an e-mail to
GeorgetownClubPortugal@gmail.com
**[EVENTS]**

*Young Arbitration Review* is happy to inform that is sponsoring again the 6th International Mediation Conference, organized by the International Centre for ADR of the International Chamber of Commerce Conference which will take place on 10 November 2015 at ICC’s Headquarters in Paris.

The Conference is a renowned annual event which offers a unique forum for more than 100 users of commercial mediation to exchange best practices and know-how. It provides an opportunity for company representatives to discuss techniques for effective conflict management, dispute avoidance, early dispute resolution and the efficient use of mediation.

This one-day event is attended by and especially tailored to the needs and interests of in-house counsel worldwide and it includes presentations, round table discussions and group exercises.

The title of this year’s Conference is “Effective Dispute Management for Better Business”. The objective of the conference is to allow participants to build an action plan managing their disputes in a way that improves their business outcomes.

Topics will include:

- Anticipating & preventing disputes
- Key skills for negotiating successfully
- Controlling conflict dynamics
- Mediating for a better business outcome
- Business mediation role-play
- Successfully mediating pending litigation
- New trends in business mediation

Speakers include legal counsel from several international companies as well as dispute resolution experts and business academics.

For more information on the event, please see the attached programme and visit the event’s webpage [http://www.iccwbo.org/Training-and-Events/All-events/Events/2015/6th-ICC-International-Mediation-Conference-2015/](http://www.iccwbo.org/Training-and-Events/All-events/Events/2015/6th-ICC-International-Mediation-Conference-2015/)

In order to register, please return the registration form included at the end of the programme attached to mediation@iccwbo.org

On the day preceding the conference, there will be a half-day event organized by the International Mediation Institute (IMI) that will take place at ICC headquarters in Paris. For further information, please contact imisupport@imimediation.org