



Vietnam
ADR Week
2026

SEMINAR

**INTERNATIONAL DISPUTE RESOLUTION
IN TIMES OF TURBULENCE:
GLOBAL TRENDS AND
VIETNAM'S EMERGING ROLE**

 **26** May 2026
(Tuesday)

 **8.00 – 11.30 AM**
(Morning Session)

 **GOLDEN BALLROOM**
3RD FLOOR, FORTUNA HOTEL
6B Lang Ha Street, Giang Vo Ward, Hanoi, Vietnam

 **BILINGUAL**
English & Vietnamese

ORGANIZERS



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SEMINAR

INTERNATIONAL DISPUTE RESOLUTION IN TIMES OF TURBULENCE: GLOBAL TRENDS AND VIETNAM'S EMERGING ROLE

INTRODUCTION

Amid ongoing volatility in global trade, driven by geopolitical competition, supply chain restructuring, digital transformation, and rapid technological advancement, the landscape of international commercial dispute resolution is also undergoing notable shifts. On the global map of arbitration and alternative dispute resolution (ADR), Vietnam is increasingly recognized as an emerging role with considerable potential at both the regional and international levels. Through a gradual process of institutional refinement, deeper integration, and more active participation in the global trading system, Vietnam is steadily positioning itself within Southeast Asia as a promising destination for dispute resolution. Over time, Vietnam has developed a legal framework that is increasingly aligned with international standards, while awareness and engagement among users of arbitration and ADR have grown significantly. Nevertheless, despite these positive foundations, the journey toward establishing Vietnam as a familiar, credible, and competitive dispute resolution venue on the global stage continues to present a range of demands and challenges.

In this context, within the framework of Vietnam ADR Week – VAW 2026, the **Seminar on “International Dispute Resolution In Times of Turbulence: Global Trends and Vietnam’s Emerging Roles”** is conceived as a specialized forum to identify key trends in international commercial arbitration, assess the current practice of arbitration and ADR in Vietnam, and examine the country’s role and prospects within the global dispute resolution landscape. Through keynote remarks and multi-perspective panel discussions, the program aims to clarify Vietnam’s current standing in the regional arbitration landscape, highlight areas requiring further development to enhance credibility and competitiveness, and identify possible directions to strengthen business confidence, increase Vietnam’s attractiveness as a venue for international commercial dispute resolution, and reinforce the role of VIAC in this ongoing process.



Time

8.00 AM – 11.30 AM
26 May 2026



Venue

GOLDEN BALLROOM
3RD FLOOR, FORTUNA HOTEL

*6B Lang Ha Street, Giang Vo Ward,
Hanoi, Vietnam*



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INTERNATIONAL DISPUTE RESOLUTION IN TIMES OF TURBULENCE: GLOBAL TRENDS AND VIETNAM’S EMERGING ROLE

**Time**
08:00 (AM) – 11:30 (AM)
26th May, 2026 (Tuesday)

**Venue**
Golden Ballroom
Fortuna Hotel
6B Lang Ha Street, Giang Vo Ward, Hanoi, Vietnam

**Language**
Bilingual
Vietnamese - English

Thời gian	Nội dung
8.00 – 08.30 AM	Guest & Delegates Welcome
8.30 – 8.45 AM	Opening Remarks
8.45 – 9.00 AM	MOU Signing Ceremoney between VIAC and International Arbitration Institutions
9.00 – 9.20 AM	Keynote speech 01: Emerging Trends in International Commercial Arbitration in the Context of Technological Advancement and Global Trade Turbulence
9.20 – 9.40 AM	Keynote speech 02: Vietnam’s Role in the International Dispute Resolution Framework
9.40 – 10.00 AM	Keynote speech 03: Dispute Resolution in Vietnam: Practice and Key Challenges
10.00 – 11.30 AM	Panel Discussion: Positioning Vietnam in the Regional Arbitration Landscape: Progress, Potential and the Path Forward • Development Trends of Arbitration Institutions in the Region; • Perspectives from Businesses and International Counsel; • Improving the Legal Framework for Commercial Arbitration in Vietnam; • The Role of VIAC and Vietnam’s Development Orientation.
11.30 AM	Closing Remark

INTRODUCTION

SPEAKERS



PROF.DR. LE HONG HANH
President of Vietnam International
Arbitration Centre (VIAC)



MR. NGUYEN KHANH NGOC
President of
Vietnam Lawyers Association



MR. CHRISTOPHER WING TO
Independent Arbitrator, Adjudicator and
Mediator (Disputes Specialist)



MS. NGUYEN THI HONG QUYEN
Assistant to the Director General at
Department of International Law and Treaties,
Ministry of Foreign Affairs



MR. VU ANH DUONG
Permanent Vice President cum
Secretary General of Vietnam
International Arbitration Centre (VIAC)



MS. DINH ANH TUYET
Founding & Managing Partner at
IDVN Law firm, VIAC's Listed Arbitrator



MR. NGUYEN VAN HUE
Member of the Central Standing Committee, Head of
the Committee for Research, Development and
Dissemination of Laws at Vietnam Lawyers Association



DR. DANG XUAN HOP
Chairman at HopDang's Chambers,
VIAC's Listed Arbitrator

VIETNAM ADR WEEK 2026

Emerging Trends in International Commercial Arbitration

In the Context of Technological Advancement and Global Trade Turbulence

26 May 2026 | Keynote Presentation

By Professor Christopher To

Organized by: Vietnam International Arbitration Centre (VIAC)



| VAW 2026 | VIAC KEYNOTE

Presentation Agenda

Navigating the future of dispute resolution through four strategic pillars

01



Emerging Trends in Global Arbitration

Analysis of 2023-2025 caseload statistics, institutional reforms (SIAC, HKIAC, ICC), and key sectoral shifts in energy and construction.

02



Technology & AI Integration

Exploring AI tools for legal research, virtual hearing protocols, and the ethical/legal implications of automated decision-making.

03



Global Trade Turbulence

Impact of US-China trade tensions, supply chain disruptions, sanctions, and force majeure disputes on commercial contracts.

04



Vietnam's Strategic Standing

VIAC's all-time record performance, draft revised LCA and proposed reforms,, and a roadmap to strengthen regional competitiveness and trust.

Global Caseload Statistics (2023-2025)

Comparative analysis of filing volumes across major international institutions



VIAC Record Performance

Reached an all-time record of **532 cases** in 2025, marking an **19.2% year-on-year growth** (over the last 05 years,) and cementing Vietnam's regional hub status.



SIAC's Massive Resurgence

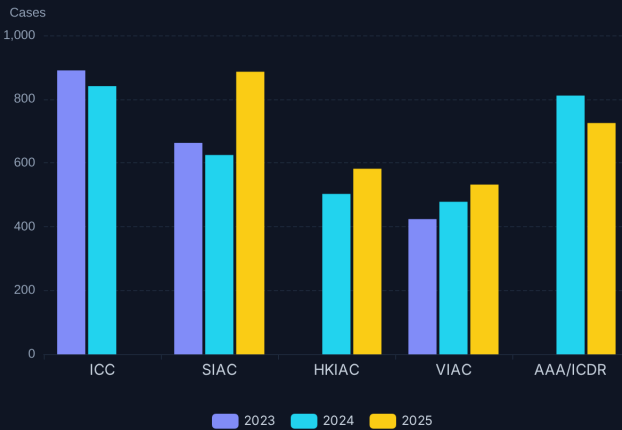
Witnessed a significant **42% surge** in 2025 with 886 filings, totaling a dispute value of approximately **USD 14.53 Billion**.



Institutional Preference

Arbitration remains the **preferred mechanism** for cross-border disputes, with HKIAC and ICC maintaining strong 2024-2025 volume benchmarks.

New Cases Filed per Year



Sources: VIAC Statistics, SIAC Annual Report 2025, HKIAC 2025 Statistics, ICC 2024 Report.

Institutional Performance Highlights

Comparative analysis of 2024-2025 caseloads across premier arbitral institutions

SIAC (Singapore)

2025 REPORT

886

CASES FILED

\$14.53B

VALUE IN DISPUTE

HKIAC (Hong Kong)

2025 REPORT

582

TOTAL CASES

\$16.20B

VALUE IN DISPUTE

ICC (Global)

2024 REPORT

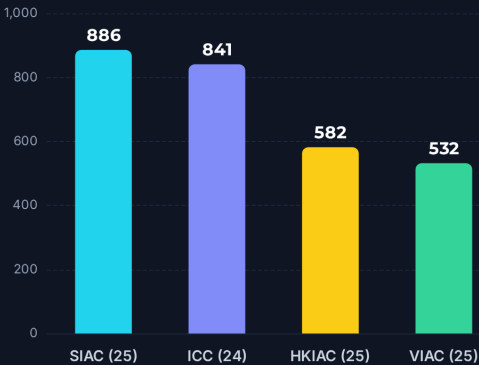
841

NEW CASES

\$299B

GLOBAL VALUE

ANNUAL CASELOAD COMPARISON (2024-2025)



Key Sectoral Trends

Dominant industries and emerging surges in the global and regional landscape (2024-2025)



*Institution-Specific Peaks: VIAC (Sale of Goods 25%), HKIAC (Corporate 23.6%), ICC (Construction 25.2%)

⚡ Energy Transition

A "perfect storm" of policy uncertainty and regulatory shifts driving high-stakes disputes.

PPAs

Hydrogen Supply

Deep-Sea Mining

⚠️ Resource Nationalism

Governments expanding state participation in critical minerals, intensifying mining arbitration.

ESG Compliance

Critical Minerals

🔧 High-Tech & Maritime

Geopolitical controls on semiconductors and trade volatility boosting maritime and IP claims.

Export Controls

Logistics

IP Rights

Third-Party Funding (TPF) Evolution

The expansion of TPF global markets, mandatory disclosure requirements under new institutional rules, and the rise of portfolio funding arrangements.



Global Market Dynamics

Continued expansion driven by strong institutional market appetite.

TPF is now integral to mainstream international arbitration practice.

Increased use in construction, energy, and resources sectors.

MAINSTREAM INTEGRATION



Mandatory Disclosure

SIAC, HKIAC, QICCA, and arbitrateAD mandate funder identity disclosure.

Tribunals empowered to order details of funding arrangements.

Strict sanctions for non-compliance with institutional disclosure rules.

TRANSPARENCY STANDARDS



Portfolio Funding

Rise of funding groups of cases together to diversify risk.

Increasing traction among law firms for strategic litigation management.

Enhanced cost efficiency and capital allocation for large corporations.

STRATEGIC FINANCING

Emergency Arbitration and Interim Relief

Increased utilization of emergency arbitrators for asset freezes and the introduction of ex-parte protective preliminary orders in modern institutional rules.



The Shift to Rapid Relief

Pre-Tribunal Protection Essential for securing assets before the main tribunal is formally constituted.

Asset Freezing Surge Primary use case involves preventing the dissipation of assets in cross-border trade disputes.

Standard practice for high-value maritime and construction claims.



Institutional Innovations

SIAC 2025 Rules (Rule 12) Introduction of **ex-parte protective preliminary orders**.

Stealth Measures EA can now issue asset freezes or injunctions without notifying the opposing party.

MAJOR REGULATORY UPDATE

Prevents "tipping off" the respondent during urgent interim phases.



Strategic Implications

Reduced Court Dependency Minimizes the need for parallel judicial engagement for urgent interim relief.

Potential future reform of the Law on Commercial Arbitration to empower EA with broadened powers for interim measures.

Enhances the autonomy and speed of the arbitral process.

Multi-Party and Multi-Contract Complexity

Managing fragmented disputes in global infrastructure and trade through institutional reform



Project Fragmentation

Modern mega-projects in **Defense, Infrastructure, and Energy** involve a web of interconnected contracts and global stakeholders.

- Parallel proceedings leading to contradictory awards.
- Inefficient duplication of evidence and legal costs.



SIAC 2025 Mechanisms

Introduced a sophisticated framework for **Coordinated Proceedings**.

- Ability to manage multiple related cases concurrently.
- Shared evidence platforms and synchronized hearing schedules.
- Expanded joinder provisions for non-signatory affiliates.

SIAC 2025 RULES



HKIAC 2024 Innovations

Clarified **Article 29.2** to streamline multi-contract disputes.

- Deemed waiver of right to designate an arbitrator in single arbitrations under multiple contracts.
- Enhanced consolidation mechanisms to ensure procedural consistency.

HKIAC 2024 RULES



Strategic Value

Institutional shifts from 2024–2026 focus on **Legal Certainty**.

- Cost Reduction: Minimized administrative and legal fees.
- Consistency: Eliminating the risk of conflicting findings.
- Speed: Faster resolution through consolidated management.

ICC 2026

VIAC 2026

The Institutional Reform Wave (2024-2026)

Modernizing rules for efficiency, sustainability, and technological integration



SIAC

Effective: 1 Jan 2025

Streamlined Procedure

Targeted 3-month award for claims under SGD 1M with no discovery and document-only hearings.

Ex-Parte Emergency Relief

Emergency Arbitrators empowered to issue asset freezes without prior notice to the opposing party.

SIAC Gateway

Digital-first platform for secure filing, payments, and multi-party case coordination.

65 RULES

EFFICIENCY



HKIAC

Effective: 1 June 2024

Sustainability & Diversity

Explicit promotion of arbitrator diversity and environmental impact reduction in proceedings.

Information Security

Tribunals can issue cybersecurity orders and sanction parties for data integrity breaches.

Multi-Party Provisions

Clarified rules on consolidation and deemed waiver of arbitrator designation in complex disputes.

GREEN PLEDGE

INTEGRITY



ICC

Effective: 1 June 2026

Highly Expedited Procedure

Optimized 3-month award timeline for straightforward commercial disputes.

Procedural Flexibility

Removal of mandatory Terms of Reference to reduce administrative bottlenecks and save costs.

Virtual Hearing Default

Codification of virtual hearings (Art. 26.1) as the standard for international administration.

1,000+ EPP CASES

FLEXIBILITY

Digital Transformation in Arbitration

From electronic filings to integrated institutional ecosystems



The "Digital-First" Paradigm Shift

Modern institutional rules (ICC 2021, SIAC 2025, HKIAC 2024) now mandate electronic filings as the default procedural standard.

SIAC Gateway

GLOBAL BENCHMARK

Est. 2025

- End-to-end secure case management
- Integrated digital filing & fee payments
- Real-time communication for all parties
- Automated procedural deadline tracking

VIAC.eCase

VIETNAM'S DIGITAL LEAP

Launched 2024

- Fully digital dispute management system
- Cloud-based evidence & document repository
- Seamless link to virtual hearing facilities
- Enhanced data protection for local users



Efficiency

Reduced administrative latency and instant transmission of awards.



Security

Enterprise-grade encryption protecting sensitive trade data.



Sustainability

Significant reduction in paper waste and carbon footprint.

AI Tools Reshaping Legal Practice

Deployment of agentic AI platforms for research, drafting, and evidence mapping (2025-2026)



Jus Mundi Jus AI 2

Agentic reasoning platform for legal research and arbitrator conflict-checking. Adopted by leading firms like Freshfields and Quinn Emanuel for high-precision data synthesis.

RESEARCH AGENT

CONFLICT CHECKS



ICC Case Connect

Powered by Opus 2, the Summer 2025 release features an AI Workbench specializing in evidence-to-claim mapping and automated transcription analysis for complex disputes.

EVIDENCE MAPPING

CASE MANAGEMENT

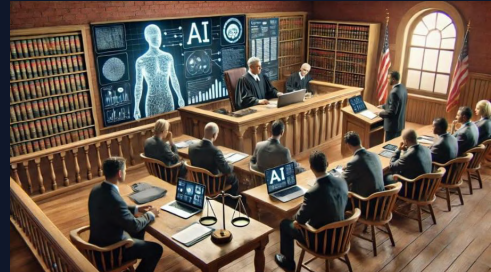


Harvey / Luminance

"Legal-Grade™" AI tools for document synthesis and "story-building" from voluminous datasets. Used by Am Law 100 for high-end drafting and automated negotiation.

DRAFTING

STORY-BUILDING



Institutional Modernization

AAA-ICDR AI Arbitrator Tool

Administrative efficiency for construction disputes (Late 2025).

SIAC Gateway

Secure digital filing, payments, and communications platform.

VIAC.eCase

Vietnam's 2024 digital leap toward fully digital dispute management.

Virtual and Hybrid Hearing Norms

Standardizing remote proceedings for global efficiency and environmental responsibility



Institutional Integration

ICC 2021 Rules (Art. 26.1): Explicit provisions for virtual hearings as a standard procedural choice.

SIAC 2025 Rules: Codified alternative electronic communications for all procedural stages.

HKIAAC 2024 (Art. 3.1f): Digital-first filing and remote hearing protocols integrated into core rules.



Economic Value Proposition

Significant Cost Reduction: Elimination of international travel, high-end venue rentals, and physical logistics.

Increased Access: Enables participation from witnesses and experts across multiple time zones without disruption.

Efficiency: Accelerated scheduling and reduced dead-time between hearing sessions.



The "New Default" Status

2024 SCC Survey: Hybrid/Virtual hearings confirmed as the primary default mode for international disputes.

Digital Adoption: HKIAC processed record 582 cases in 2025 with near-universal digital filing adoption.

Transitioning from "Emergency Response" to "Strategic Choice"



Sustainability & Green Pledge

Carbon Footprint Mitigation: Direct alignment with the Campaign for Greener Arbitrations (The Green Pledge).

Paperless Proceedings: Universal adoption of e-bundles and digital evidence platforms like VIAC.eCase.

ESG Compliance: Supporting corporate stakeholders in meeting their internal environmental targets.

Legal and Ethical Implications of AI

Addressing critical concerns regarding AI bias, "hallucinations," and the fundamental principle of human decision-making.



Bias & Hallucinations

AI outputs are statistical estimations, not transparent reasoning. Risk of providing false legal citations ("hallucinations") requires rigorous human verification.



Confidentiality

SVAMC 2024 mandates enterprise-grade security. Redaction and anonymization are required before submitting arbitral materials to AI tools.



Due Process

"Black-box" decision-making challenges fairness and transparency. Parties must have clarity on how technology influences tribunal assessments.



Evidence Integrity

New challenges regarding the provenance and reliability of AI-generated documents or synthetic data sets submitted as evidence.

THE NON-DELEGATION RULE

"Arbitrators CANNOT delegate the fundamental task of decision-making to Artificial Intelligence."

— Source: CIArb AI Guidelines (2025) & SVAMC (2024)

Regulatory Frameworks for AI Use

Governing disclosure, confidentiality, and arbitrator integrity in a digital-first era



SVAMC Guidelines

APRIL 2024

Disclosure Obligations: Mandates case-by-case disclosure of AI use by all parties.

Data Protection: Requires redacting/anonymizing materials before AI processing.

Enterprise Security: Mandates use of enterprise-grade AI tools over public models.

Integrity Standards: Prohibits using AI to generate false evidence or misrepresent facts.



CIArb AI Guidelines

SEPTEMBER 2025

Decision-Making: Explicit prohibition on delegating final awards to AI systems.

Human-in-the-Loop: Arbitrators must verify every AI-generated legal citation.

Ethical Framework: Establishes standards for "Agentic AI" in complex legal drafting.

Due Process: Ensures the "Black-Box" nature of AI does not compromise fairness.

DISCLOSURE LEVEL

Case-by-Case Basis

DELEGATION STATUS

Strictly Prohibited

VERIFICATION METHOD

Human Oversight (HITL)

Cybersecurity and Data Integrity

Heightened focus on information security orders and institutional protocol integration

Core Frameworks

- ✓ **ICCA-NYC Bar-CPR Protocol:** The 2022 Edition remains the primary global cybersecurity framework.
- ✓ **Procedural Order No. 1:** Standardization of cybersecurity measures as a baseline procedural requirement in international disputes.
- ✓ **Risk Assessment:** Mandatory evaluation of data sensitivity, threat landscape, and technical infrastructure at the outset.

Institutional Mandates

- + **SIAC 2025 (Rule 61):** Empowering tribunals to impose sanctions for non-compliance with information security measures.
- + **HKIAC 2024 Rules:** Explicit authority for tribunals to issue information security orders to mitigate data breach risks.
- + **UK Arbitration Act 2025:** Increased legal burden on tribunals to ensure the integrity and confidentiality of electronic data.

STRATEGIC SHIFT

Transitioning from "Best Efforts" to Mandatory Compliance: Cybersecurity is now an essential element of Due Process.

Sources: ICCA-NYC Bar-CPR Protocol (2022), SIAC 2025 Rules, UK Arbitration Act 2025.

Blockchain and Smart Contract Arbitration

Exploration of "on-chain" arbitration and the use of AI jurors for technical blockchain disputes.



"On-Chain" Arbitration Mechanisms

Awards automatically trigger execution or modification of smart contracts through "Oracle" roles.

Eliminates the lag between award issuance and enforcement in digital asset environments.

Decentralized dispute resolution (DDR) protocols act as native enforcement layers.



AI Jurors & Skill Verification

Kleros Pilot (2025/26): Deployment of "AI Jurors" for high-volume technical screening.

Soulbound Tokens (SBTs): Non-transferable tokens used to verify juror technical skills and case history.

Game theory-based incentives used to ensure jurors reach a "Schelling point" consensus.



Fintech & DeFi Market Relevance

Smart contract arbitration clauses becoming standard in Decentralized Finance (DeFi) protocols.

Traditional institutions cautiously integrating blockchain-compatible dispute mechanisms.

Growing demand for "hybrid" legal/technical expertise among modern arbitrators.

STRATEGIC OUTLOOK

While still a **niche sector**, the integration of AI-driven technical verification and automatic on-chain enforcement is **redefining the speed and finality** of commercial dispute resolution in the digital economy.

Global Trade Turbulence and ADR

Geopolitical instability and shifting trade alliances are driving a new wave of complex commercial and investment disputes, requiring sophisticated legal responses.



Geopolitical Drivers

- US-China Trade War:** Escalation to 104% cumulative tariffs and rare earth export controls (2025-2026).
- Conflict Zones:** Ongoing disruptions in Russia-Ukraine and Middle East stability affecting energy and logistics.
- BRICS+ Expansion:** Catalyst for new legal infrastructures and a shift toward alternative arbitral seats.
- Resource Nationalism:** Governments intensifying state participation in critical minerals and mining frameworks.

RISK FACTOR: **High Geopolitical Volatility**



Arbitral Implications

- Supply Chain Disputes:** Surge in "clawback" arbitrations and force majeure invocations due to tariff changes.
- Neutrality Premium:** International arbitration remains the preferred mechanism for tariff-related commercial disputes.
- Complex Arbitrability:** Sanctions and export controls challenging the legal standing of specific contractual dealings.
- Evidence Security:** Increasing need for security clearance or declassification for sensitive geopolitical evidence.

ADR TREND: **Enforceability via New York Convention**

Rhetorical Pivot: Is technology a shield against geopolitical instability, or does it introduce new risks to the arbitral process? The answer lies in the robustness of institutional rules and digital integrity.

US-China Trade War Escalation (2025-2026)

Impact of 104% cumulative tariffs and retaliatory export controls on supply chain disputes



Economic Escalation & Tariff Surge

104%

Cumulative US Tariffs on Chinese Imports

- China Retaliation:** 84% tariffs on US imports + rare earth export controls.
- Further Escalation:** US proposed 125% cumulative rate (April 2025).
- Regulatory Warfare:** China's counter-sanctions and investigations against US firms.

90-Day Pause: Temporary relief for third-party countries (10% rate) created a window for contractual renegotiation or dispute filing.



Arbitral Consequences & Legal Fallout

LEGAL PRECEDENT: *Learning Resources, Inc. v. Trump* (Feb 2026)

- "Clawback" Arbitrations:** Massive surge in claims seeking recovery of paid tariffs under indemnity clauses.
- Force Majeure:** Supply chain manufacturers invoking FM due to extreme tariff-related cost changes and trade bans.
- Contract Frustration:** Radical geopolitical shifts rendering performance commercially impossible or fundamentally different.
- Neutrality Preference:** Arbitration remains the top choice (Aceris Law, 2025) for tariff disputes over national courts.

Takeaway: FDI is accelerating into Vietnam as an alternative hub, shifting the nexus of potential supply chain disputes to Southeast Asia.

Force Majeure and Supply Chain Disruptions

Tribunals interpreting contractual frustration and force majeure clauses amidst sanctions, wartime conditions, and radical shifts in trade policy.



Drivers of Non-Performance

Wartime & Conflict Conditions

Direct physical impossibility, site abandonment, and systemic labor shortages in unstable regions.

Sanctions & Export Controls

Legal impossibility arising from anti-dumping investigations and revocation of trade rights.

Tariff-Related Hardship

Cumulative tariffs (up to 104%+) triggering "clawback" arbitrations and economic frustration claims.

CONTEXTUAL RISK

"Conflict amplifies contractual risk, necessitating the hard-wiring of geopolitical analysis into dispute strategies."



Tribunal Interpretations

Unforeseeability Thresholds

Evaluating whether 2026 turbulence remains "unforeseeable" or has become a predictable commercial baseline.

Burden of Risk Allocation

Determining which party assumed the risk of geopolitical shifts during contract drafting and negotiation.

Causal Link Standards

Stringent evidentiary requirements to prove that trade measures were the SOLE cause of performance failure.

ARBITRAL TREND

Tribunals are increasingly adopting a nuanced, "pro-performance" approach to Force Majeure in the energy and resources sectors.

Sanctions and Export Control Challenges

Navigating arbitrability and evidentiary complexities in a polarized trade environment



Arbitrability & Conflicts

The intersection of international sanctions and private arbitration creates significant jurisdictional hurdles:

Dealing Prohibitions: Arbitrability is challenged when sanctions laws prohibit legal dealings or payments involving designated entities.

Conflict of Laws: Complex overlaps between US/EU sanctions and the expanding Chinese counter-sanctions regime.

Public Policy: Tribunals must balance mandatory sanctions law against the enforceability of awards under the New York Convention.



Geopolitical Tooling

Increasing use of trade remedies as strategic instruments:

Anti-dumping investigations and revocation of trade rights.

Intensified regulatory investigations against multi-national businesses.



Classified Information

Managing sensitive state data as evidence requires specialized procedural frameworks to ensure due process:

Security Clearances: Parties often seek specific clearances for arbitrators to view sensitive trade data.

Declassification: Ongoing requests for declassification of regulatory documents in investment and commercial cases.

REFERENCE CASE **Gabriel v. Romania: Key precedent for managing classified evidence in arbitration.**



Procedural Integrity

Ensuring fairness while handling restricted materials:

Establishment of "Clean Teams" for document review.

In-camera proceedings and redacted submissions to protect national interests.

Tribunals taking a proactive role in fact-finding under the Prague Rules.

BRICS+ Expansion & New Frameworks

Analyzing the rise of alternative arbitration centers and shifting geopolitical preferences



Geopolitical Rebalancing

BRICS+ Expansion (2024-2026): Catalyzed a significant shift in trade dispute resolution preferences within the Global South.

Western Decoupling: Growing trend of avoiding Western-dominated institutions (ICC/LCIA) for intra-bloc trade to ensure regional neutrality.



Dominant Regional Hubs

DIAC (Dubai): Emerging as the primary neutral ground for disputes linking the Middle East, Africa, and Asian markets.

CIETAC (China): Strengthening its role in Belt and Road / BRICS infrastructure and large-scale manufacturing disputes.

DIAC Rules 2025

CIETAC Tech Protocol

RCEP Alignment



New Legal Infrastructure

BRICS+ Legal Centre: Established in late 2025 to harmonize commercial dispute resolution standards across member states.

Alternative Frameworks: Development of specialized "New Economy" legal protocols for digital assets and energy trade.



Strategic Preference Shift

Intra-BRICS+ Trade: Estimated 45% increase in cases filed at non-Western centers for cross-border contracts by 2026.

Policy Sovereignty: Preference for seats that respect state-driven industrial policies and resource nationalism contexts.

Energy Transition and ESG Disputes

Navigating market volatility, hydrogen supply chains, and evolving Power Purchase Agreements (PPAs)



Transition Volatility

- **PPA Renegotiations**

High-stakes disputes over price adjustments and curtailment clauses in long-term renewable contracts.

- **Hydrogen Supply Chains**

Emerging conflicts in nascent hydrogen infrastructure projects and technology transfer agreements.

- **Policy & Regulatory Shifts**

Sudden changes in green subsidies and feed-in tariffs leading to investor-state and commercial claims.

"A perfect storm of policy uncertainty, regulatory change, and market volatility is driving a new wave of energy disputes."

SOURCE: VINSON & ELKINS (FEB 2026)



ESG & Resource Risks

- **Resource Nationalism**

Intensifying state participation in critical minerals (lithium, cobalt) essential for the energy transition.

- **Deep-Sea Mining Disputes**

Complex jurisdictional and environmental challenges in the exploration of international seabed resources.

- **ESG Compliance & Reporting**

Increased arbitration arising from sustainability commitments, carbon offset integrity, and greenwashing claims.

- **Infrastructure ESG Mandates**

Supply chain disruptions caused by tightening environmental standards in global infrastructure projects.

Investment Treaty Arbitration (ISDS) Trends

States testing jurisdictional defenses against the backdrop of resource nationalism and the critical minerals race



State Defenses & Legal Rulings

States are aggressively testing jurisdictional defenses to narrow tribunal authority in the new trade order.

Investors are pivoting strategies toward alternative treaty protections as traditional frameworks face scrutiny.

UK Judicial Precedents: High Court rulings establishing that ICSID and ECT awards cannot be assigned to third parties.

LIMITS MONETIZATION

JURISDICTIONAL SHRINKAGE



The Critical Minerals Battleground

Resource Nationalism: Rapid intensification as governments expand state participation in minerals and mining sectors.

A new wave of ISDS claims triggered by nationalization and fundamental mining framework revisions (e.g., Africa, LatAm).

Energy Transition: Critical minerals (Lithium, Cobalt, Nickel) have become the primary focus of high-stakes disputes.

ASHURST 2026 ANALYSIS

ESG PRESSURE



Key Case Insight: *Gabriel v. Romania* (ICSID) highlights the complexity of evidence in conflicts involving national security.

VIAC Growth and Record Statistics

Achieving an all-time record of 532 cases in 2025, reflecting Vietnam's growing role in global ADR.



Annual Case Filing Trend (2020-2025)



2025 ALL-TIME RECORD

532

Key Industry Sectors (2025)

Sale of Goods	24%
Construction	23%
Real Estate	20%



68 Countries

Top: Singapore, China, India, South Korea



3,923 Total Cases

Historic caseload managed (1993 - 2025)

Vietnam's Legal Framework



LCA 2010 Foundation

The Law on Commercial Arbitration 2010 (LCA) remains the primary pillar of Vietnam's ADR landscape.

- New York Convention Signatory: Foreign awards enforceable in **170+ countries**.
- Final and Binding: VIAC domestic awards require **no separate recognition process**.
- UNCITRAL Model Law: Increasing alignment through judicial interpretations.



Interim Measures

Article 49(1) of LCA 2010

Enhanced tribunal powers to issue and enforce interim measures, ensuring asset preservation and evidence protection.



Broadened Jurisdiction

Expanded definition of "arbitrable disputes" to encompass modern commercial activities and multi-party structures.



Judicial Support

Pro-Arbitration Reform

Strengthened court-arbitration coordination to reduce non-recognition rates and limit judicial interference.

Strategic Goal: Reducing the historical 49% non-recognition rate through legislative clarity and judicial training.

Regional Comparative Analysis

Benchmarking VIAC against SIAC and HKIAC regarding caseload, rules modernity, and regional positioning

Metric	VIAC (Vietnam)	SIAC (Singapore)	HKIAC (Hong Kong)
2025 Caseload	532 Cases (Record)	886 Cases	582 Total / 388 Arb.
Value in Dispute	Focus on Regional FDI	USD 14.53 Billion	USD 16.2 Billion
Key Rules	VIAC Rules 2026	SIAC Rules 2025	HKIAC Rules 2024
Emergency Relief	Yes (LCA 2010, Article 49.1)	Yes (Ex-parte Powers)	Yes
Digital Platform	VIAC.eCase (2024)	SIAC Gateway (2025)	Digital Filing Support
Cost Structure	Highly Competitive	Premium / Phased	Premium / Phased



STRATEGIC MODERNIZATION INSIGHT

VIAC is closing the "rules modernity gap" with the 2026 launch, leveraging **cost-competitiveness** and **FDI proximity** to challenge established hubs for ASEAN-based commercial disputes.

Challenges in Enforcement and Consistency

Addressing the historical non-recognition rates of foreign awards and the need for unified pro-arbitration judicial interpretations across Vietnamese courts.

The Enforcement Gap

~49% Historical
Non-Recognition Rate

- ▶ **Broad Interpretations:** Over-reliance on "fundamental principles of Vietnamese law" to set aside awards.
- ▶ **Judicial Inconsistency:** Varying levels of familiarity with the New York Convention across provincial courts.
- ▶ **Procedural Interference:** Excessive court review of the merits rather than focusing on jurisdictional/procedural validity.

Source: Study report on provisions of the UNCITRAL Model Law regarding the recognition and enforcement of arbitral awards (UNDP-MOJ report) in 2019.

Pathways to Consistency

POSITIVE TRAJECTORY (2023-2025)

- ✓ **Jurisdictional Consolidation:** HCMC People's Court centralizing award set-aside procedures to build expertise.
- ✓ **Pro-Arbitration Shifts:** Increasing number of supreme court interpretations favoring finality of awards.

STRATEGIC MODERNIZATION

Mandatory judicial training programs on the New York Convention and the creation of specialized arbitration chambers in major commercial hubs are critical to reducing non-recognition risks.

Strategic Modernization: VIAC Rules 2026

Launching institutional reforms and specialized divisions at Vietnam ADR Week 2026



25 MAY 2026 LAUNCH

VIAC Rules of Arbitration 2026

- Institutional modernization aligned with international best practices.
- Introduction of mandatory disclosure for Third-Party Funding (TPF).



29 MAY 2026 LAUNCH

VIAC Panel of FinTech & Digital Economy Dispute Specialists

- Specialized track for banking, finance, and capital market disputes.
- Panel of experts with specific mastery of complex financial instruments.
- Streamlined procedures to meet the speed demands of the financial sector.



DIGITAL INTEGRATION

VIAC.eCase Digital Platform

- End-to-end digital case management for fully remote proceedings.
- Secure electronic filings, and real-time case status tracking.
- Alignment with global cybersecurity standards for data integrity.

Strategic Milestone: The 2026 modernization package signals VIAC's commitment to bridging the gap between domestic business practices and global arbitration standards, positioning Vietnam as a high-confidence arbitral seat.

Roadmap for Strengthening Competitiveness

Strategic initiatives to elevate Vietnam as a premier regional hub for international arbitration



Judicial & Legal Alignment

Towards complete **LCA 2010 reform** to align with UNCITRAL Model Law.

Enhancing the knowledge and capacity of judges in arbitration-related matters so as to **support a more arbitration-friendly** approach in judicial supervision and review.



Digital Transformation

Full-scale rollout of **VIAC.eCase** for end-to-end digital management.

The readiness of integration of AI-assisted tools for case administrative efficiency

Robust **Cybersecurity Protocols** for data integrity and confidentiality.



Human Capital & Panels

Aggressive recruitment of **International Arbitrators** to globalize panels.

Sector-specific training for Energy, Finance, and High-Tech disputes.

Strategic **MoU partnerships** with HKIAC, KCAB, CIETAC, SCIA.



Institutional Modernization

Implementation of **VIAC Rules 2026** with streamlined procedures.

Introduction to the **VIAC Panel of FinTech & Digital Economy Dispute Specialists** for banking sectors.

Competitive fee restructuring including phased payment options.

**Strategic Objective: Bridging the perception gap and fostering global investor confidence through transparency and efficiency.*

Conclusion: Embracing New Heights

Final reflections on Vietnam's trajectory and VIAC's global role in the new legal era.



Institutional Maturity

VIAC has successfully transitioned into a modern, international-standard institution.

VIAC Rules 2026 aligned with global best practices.

Specialized divisions for Banking & Capital Markets.

Record-breaking caseload reflecting deep market trust.



Technological Edge

Integrating AI and digital platforms to solve 21st-century disputes with efficiency.

VIAC.eCase for fully digital dispute management.

AI-assisted research and cybersecurity protocols.

Virtual-first hearings minimizing costs and carbon footprint.



Regional Hub Status

Positioning Vietnam as the preferred neutral seat for ASEAN and global trade.

Leveraging CPTPP, EVFTA, and RCEP trade flows.

Strategic MoUs with global leaders like HKIAC, SIAC, KCAB & SCIA etc.

Towards the development of an arbitration-friendly judiciary, supported by anticipated reforms to the Law on Commercial Arbitration in the period ahead.

VIETNAM: THE EMERGING CENTER FOR GLOBAL DISPUTE RESOLUTION

Building business confidence through legal excellence, technological innovation, and strategic resilience.

VIETNAM ADR WEEK 2026

Thank You for Listening

Questions and Answer Session

26 May 2026 | Keynote Presentation

By Professor Christopher To

Organized by: Vietnam International Arbitration Centre (VIAC)



SEMINAR ON INTERNATIONAL DISPUTE RESOLUTION IN TIMES OF
TURBULENCE: GLOBAL TRENDS AND VIETNAM'S EMERGING ROLE

VAW
2026

VIET NAM'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF UNCITRAL'S INSTRUMENTS ON DISPUTE RESOLUTION

NGUYEN THI HONG QUYEN

Department of International Law and Treaties
Ministry of Foreign Affairs

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- 1.Trends in the Development of Dispute Resolution Instruments
at UNCITRAL**
- 2.Viet Nam's Participation in the Development and
Implementation of Dispute Resolution Instruments**
- 3.Positioning Viet Nam at UNCITRAL**

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Trends in the Development of Dispute Resolution Instruments at UNCITRAL

- **Strengthening ADR mechanisms, particularly Commercial Mediation**
 - Singapore Convention on Mediation (United Nations Convention on International Settlement Agreements Resulting from Mediation)
 - Expedited Dispute Resolution Procedures – UNCITRAL Model Clauses on Specialised Express Dispute Resolution (SPEDR)
- **Impact of Digital Technology on Dispute Resolution**
 - Recognition and Enforcement of Electronic Arbitral Awards
 - Dispute Resolution in Digital Economy
 - Use of AI in Dispute Resolution and Remote Hearings

Viet Nam's Participation at UNCITRAL

- **Development of UNCITRAL Instruments:**
 - Rapporteur for Working Group II
 - Proposal on Calculation of Damages at Working Group III
 - Viet Nam's Role in New Mechanisms and Topics on Dispute Resolution
- **Implementation of UNCITRAL Instruments**
 - New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)
 - Law on Commercial Arbitration

Positioning Viet Nam at UNCITRAL

- Viet Nam's plan to serve as a member of UNCITRAL for the term 2025-2031
- Viet Nam's potential and advantages in Investment Dispute Resolution
- Proposed measures to position Viet Nam at UNCITRAL
 - Strengthening the presence of the Vietnamese arbitration and legal community in sharing dispute resolution practices and experiences at UNCITRAL
 - Building and connecting expert networks
 - Promoting greater use and reference to UNCITRAL instruments
 - Promoting uniform application and interpretation of UNCITRAL conventions and instruments on International Trade Law: Case Law on UNCITRAL Texts (CLOUT)

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THANK YOU FOR
YOUR ATTENTION!

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