Vietnam ADR Week 2026

INVESTMENT FORUM

VIETNAM'S INVESTMENT LANDSCAPE: LEGAL CERTAINTY, RISK MANAGEMENT AND DISPUTE RESOLUTION

27 May 2026
(Wednesday)

08.00 – 11.30 AM
(Morning Session)

GOLDEN BALLROOM
3rd FLOOR, FORTUNA HOTEL HANOI
6B Lang Ha Str., Giang Vo W., Hanoi, Vietnam

BILINGUAL
English, Vietnamese

Organizers

VIAC
VIETNAM INTERNATIONAL ARBITRATION CENTRE

HỘI LUẬT GIA VIỆT NAM
1955

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INVESTMENT FORUM

VIETNAM'S INVESTMENT LANDSCAPE: LEGAL CERTAINTY, RISK MANAGEMENT AND DISPUTE RESOLUTION

In recent years, Vietnam has continued to affirm its position as an attractive investment destination in Southeast Asia, supported by a stable macroeconomic and political foundation, a high degree of trade openness, and an expanding network of free trade agreements. However, changes in the legal system and investment incentive policies, and differences in the interpretation and application of laws, as well as risks arising during contract performance, may directly affect the efficiency and sustainability of investment activities. Therefore, establishing a reliable legal framework, while developing effective dispute resolution mechanisms, has become an urgent requirement to strengthen the confidence of the business community in Vietnam.

At the same time, the trend of deeper integration also places higher demands on enterprises' legal risk management capacity, not only in terms of compliance but also in the ability to identify risks early and respond effectively to potential disputes. In this regard, understanding and selecting effective dispute resolution methods, including arbitration and other alternative mechanisms, is increasingly important in protecting the legitimate rights and interests of the parties, while also ensuring the continuity of business operations.

Against this backdrop, the Investment Forum themed on **"Vietnam's Investment Landscape: Legal Certainty, Risk Management and Dispute Resolution"** is jointly organized by the Vietnam International Arbitration Centre (VIAC) and the Vietnam Lawyers' Association (VLA), aiming to create a multi-dimensional dialogue platform among regulators, the business community, and experts in the field. The event focuses on analyzing the current investment environment, while discussing solutions to enhance legal certainty, improving the predictability of the legal system, and sharing practical experiences in risk management and dispute resolution in investment and business activities. Thus, the forum is expected to help reinforce investor confidence and promote a more transparent, stable, and sustainable investment environment.

Time

08.00 – 11.30 AM
27 May 2026

Venue

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

AGENDA

VAW 2026

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Time frame	Content
08.00 – 08.30	Registration
08.30 – 08.45	Opening remark
08.45 – 09.00	MOU Signing Ceremony between VIAC and Business Associations
	Session 1: Investment Environment and Legal Certainty: Foundations for Sustainable Business
09.00 – 09.20	**Keynote:** Vietnam's Investment and Business Environment in a Changing Landscape
09.20 – 10.20	**Panel Discussion:** Enhancing Legal Certainty and Predictability in Vietnam's Investment and Business Environment
10.20 – 10.30	Break time
	Session 2: Managing Legal Risks and Resolving Disputes in Investment and Business Activities
10.30 – 10.50	**Keynote:** Managing Legal Risks and Resolving Disputes in Investment and Business Activities
10.50 – 11.30	**Panel Discussion:** Managing Risks and Resolving Disputes in Investment and Business Practice
11.30	Closing Remark

INTRODUCTION

SPEAKERS

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

MR. NGUYEN KHANH NGOC
President, Vietnam Lawyers Association

MR. DAU ANH TUAN
Deputy Secretary General cum Director of the Legal Department, Vietnam Chamber of Commerce and Industry (VCCI)

MS. HUONG VU
General Director, EY Consulting Vietnam Joint Stock Company, Chairperson of the International Association of Financial Executives Institutes, VIAC's Listed Arbitrator

MR. VU LE BANG
Partner, HCMC Office Co-Representative, Nishimura & Asahi (Vietnam)

MR. SECK YEE CHUNG
Vice President, Singapore Chamber of Commerce Vietnam – SingCham Vietnam

MR. KO TAE YEON
Chairman of Korea Chamber of Business in Vietnam (Kocham in Vietnam)

MS. NATALIE FAIRLIE
Vice President, Australian Chamber of Commerce in Vietnam (AusCham Vietnam)

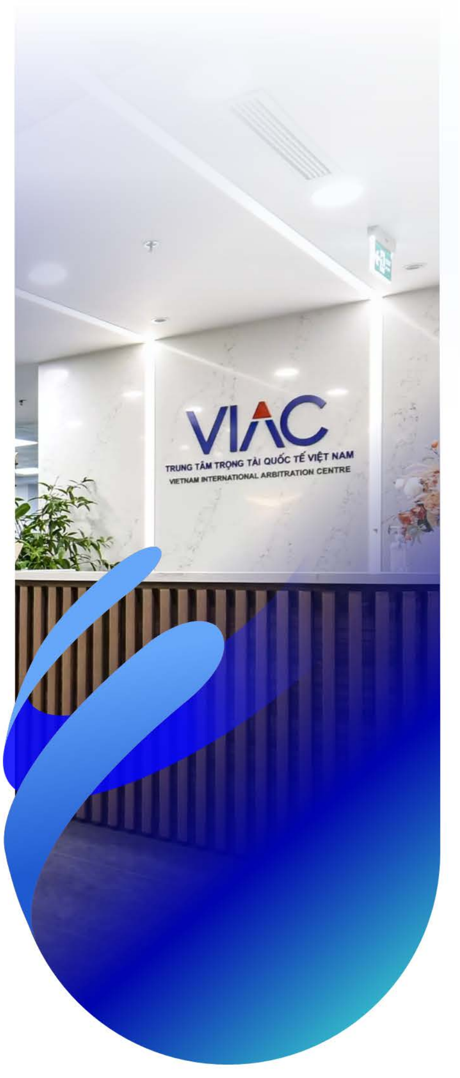
MR. VU ANH DUONG
Permanent Vice President cum Secretary General of Vietnam International Arbitration Centre (VIAC)

MR. BUI VAN THANH
Head of New Sun Law Firm, VIAC Listed Arbitrator, VMC Listed Mediator

MR. DIMITRIOS KATSIKIS
Counsel at A&O Shearman (Singapore)

INTRODUCTION TO

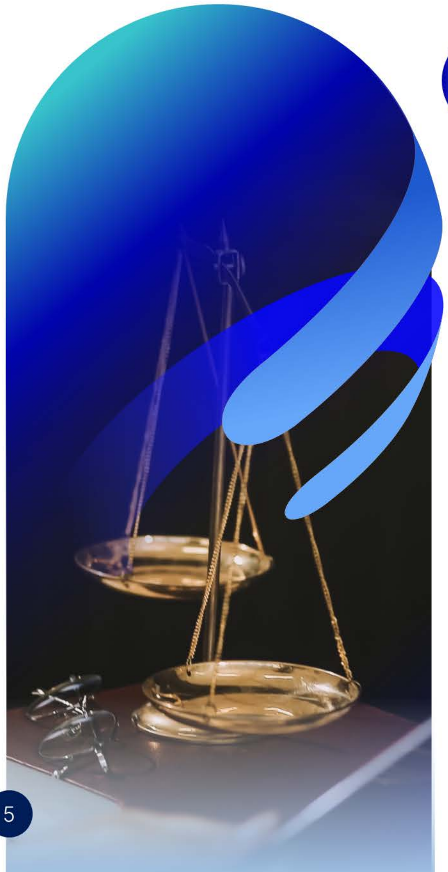
CO-ORGANIZERS



VIETNAM INTERNATIONAL ARBITRATION CENTRE (VIAC)

The Vietnam International Arbitration Centre (VIAC) was established in 1993 by a Decision of the Prime Minister of the Socialist Republic of Vietnam through the merger of the Foreign Trade Arbitration Council (established in 1963) and the Maritime Arbitration Council (established in 1964). Pursuant to the Ordinance on Commercial Arbitration 2003, the Law on Commercial Arbitration 2010, and its current Charter, VIAC operates as an independent institution. Arbitral awards rendered by VIAC tribunals are final and binding, and are recognized and enforced in Vietnam as well as in over 170 countries and territories under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention 1958).

As a leading arbitration and mediation institution in Vietnam with international recognition, in recent years VIAC has handled thousands of domestic and international disputes across a wide range of sectors, including sale of goods, transportation, insurance, construction, finance, banking, investment, and others. The disputing parties come from most provinces in Vietnam and from key economic and trade partners worldwide. Over nearly three decades of development, VIAC has continuously grown, becoming a trusted institution and a reliable pillar of justice for both domestic and international business communities.



VIETNAM LAWYERS ASSOCIATION (VLA)

The Vietnam Lawyers' Association (VLA), established on April 4, 1955, is a socio-political and professional organization uniting legal professionals nationwide on a voluntary basis. It is a member of the Vietnam Fatherland Front, operating under the leadership of the Communist Party of Vietnam and the management of the State of the Socialist Republic of Vietnam.

The VLA unites and brings together legal professionals who have been or are currently engaged in legal work in various agencies, organizations, and institutions. Its mission is to contribute to national development and protection, uphold human rights, protect the people's freedoms and democratic rights, advance legal science, and promote the rule of law in Vietnam toward the goals of a prosperous people, a strong nation, democracy, equity, and civilization. It also fosters and expands international cooperation and friendship with legal organizations worldwide and other institutions, based on the principles of respect for independence, sovereignty, and territorial integrity, for the shared goals of peace, friendship, cooperation, and development.

INTRODUCTION

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Nishimura & Asahi is Japan's largest law firm, covering all aspects of domestic and international business and corporate activity. The firm has more than 900 professionals with a presence in over 22 locations around the world. Nishimura & Asahi understand clients' growing needs, and the fully-integrated team of lawyers and professional staff share a fundamental philosophy: An uncompromising commitment to excellence. Through the firm's domestic and global networks, Nishimura & Asahi are ideally placed to provide our clients with a borderless one-stop service, from Japan to the world.

In Vietnam, Nishimura & Asahi maintains a strong presence through offices in Hanoi and Ho Chi Minh City. They support both Japanese and international clients in navigating the country's dynamic business environment, providing comprehensive legal services across key areas such as investment, M&A, financing, infrastructure, and compliance.

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From a small group of lawyers initially working with magic circle law firm Clifford Chance in 1993, **Vietnam International Law Firm (VILAF)** has developed into an independent law firm with 100 lawyers including 16 partners, which is one of the largest team of English-speaking business lawyers in Vietnam today. Many of VILAF lawyers are recognized as leading lawyers, recommended lawyers or award-winning lawyers in Vietnam by IFLR1000, Legal 500, Chambers, Asialaw, ALB, Benchmark Litigation, and In-House Community.

With extensive international experience and in-depth knowledge of Vietnam's political culture and legal developments, VILAF lawyers are in the best position to advise clients on Vietnamese laws. VILAF's approach is focused on risk-assessment and solution-orientation. We cut through complexities to provide clear and insightful answers to our clients.

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FEATURED PARTNERS

SUPPORTING PARTNERS

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ARBITRATION & ADR: EMBRACING NEW HEIGHTS

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**The Vietnam Lawyers' Association is a unified nationwide organization comprising the Vietnam Lawyers' Association, local Lawyers' Associations, and affiliated Lawyers Chapters across the country.*

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Vietnam's Investment & Business Environment in a Changing Landscape

ĐẬU ANH TUÂN

Vice Secretary-General, Director of Legal Department

Vietnam Chamber of Commerce and Industry (VCCI)

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CONTENTS

Vietnam – A Bright Spot for Growth

8,02% GDP
2025 Growth –
Leading in Southeast Asia

930+ Billion USD
Historic Record
Import-Export Turnover

1+ Million
Active Enterprises (rising from 811,000 in 2020)

297.500
Enterprises entering or returning to the market in 2025 (a 27.4% increase compared to 2024)

Positive International Forecasts

- **ADB, WB, IMF, OECD** maintain positive forecasts for 2026.
- Growth rate is **double** the global average (2.9% – 3.1%).
- Averaging **24,800 new enterprises**
- **per month.**

Target: Achieve **double-digit** growth starting from 2026.

Source: PCI 2025 · General Statistics Office (GSO) · VCCI

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"The Four Pillars" – Institutional Framework for a New Era

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Resolution 57-NQ/TW
Science – Technology – Innovation
New technology sandbox: Legal liability exemption for objective unforeseen risks.
Digital Econom: 30–50% GDP

Resolution 59-NQ/TW
Comprehensive International Integration
Reposition the supply chain; elevate **FTA implementation capacity.**
Protect Vietnamese enterprises expanding into international markets.

Resolution 66-NQ/TW
Legislative Thinking Revolution
Abolish the mindset of "**prohibiting what cannot be managed**"; ensure legal safety for economic activities.
Top 3 in ASEAN by 2028

Resolution 68-NQ/TW
Private Sector – "The Most Important Driving Force"
Decriminalize economic relations; cut off 30% of time, costs, and business conditions.
2 million enterprises by 2030

→ *For the first time, "legal safety for economic activities" has been firmly affirmed at the Politburo level.*

Unprecedented Pace of Reform

89
Legislations
Passed by the National Assembly in 2025 – 5.7× higher than the average.

15
Resolutions
Under Resolution 206 – "Breaking barriers" to remove bottlenecks.

760+
Administrative Procedures
Reduced paperwork with data connectivity.

Outstanding Examples

- **Planning & Land**: Thousands of "frozen" projects have been restarted.
- **Food Industry**: Shifted from pre-inspection to post-inspection; online self-declaration.
- **Construction**: Abolished design evaluation after the basic design phase; expanded construction permit exemptions.
- **VAT (Value Added Tax)**: Amended after 6 months – resolving difficulties for 11 industry groups.

Compliance Cost Reduction

63,1% of business administrative procedures cut

(out of 4,888 reviewed procedures).

48.600 billion VND/year

saved in compliance costs (a 40.5% reduction)

Signals from Businesses

89,7% of enterprises

rate online administrative procedures as easy to undergo (up from 57.3% in 2021)

Source: Office of the Government · PCI 2025 · VCCI

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Empirical Evidence – PCI 2.0 & BPI 2025

For the first time, VCCI announces **PCI 2.0** – expanding from "business environment" to "private economic development ecosystem" across 34 provinces and cities.

PCI 2.0 – "GOOD" GROUP

5 leading Localities

nationwide

Bac Ninh · Da Nang · Hai Phong · Phu Tho · Quang Ninh

At least 5 out of 9 indicators are in the national top 10.

Multi-dimensional balanced governance.

BPI – PRIVATE ECONOMIC EFFICIENCY

HCMC · Hanoi · Quang Ninh

5.67 · 5.41 · 5.33 points

- HCMC: **23.75 enterprises / 1,000 citizens.**
- Quang Ninh: **72.1% of enterprises reported profits.**
- Hanoi: **12.5% of enterprises have an R&D department.**

FOR INVESTORS

2–3 years time delay

From institutions → economic outcomes

- PCI 2022 › Private Sector 2025: **r = 0,44**
- 2025 Reform → "Wave" of 2026–2028
- **61,82%** of enterprises do not pay informal costs.

Implication: 2026–2028 is a window of opportunity – institutions have reformed but the market has not yet fully reflected it.

Source: PCI 2025 Report · Private Economic Report 2025 · VCCI

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Remaining Bottlenecks – Opportunities for Legal Experts

Challenges

Policy Predictability

Only **6% – 8% of enterprises** can regularly predict policy changes, **76% of Decrees** take effect within less than 45 days from signing..

Capital Accessability

93.5% of bank loans require collateral (compared to only 33.4% in Malaysia)

Investment Projects: Planning, Land, and Site Clearance

Planning approvals are slow; land valuation exhibits anomalies; inter-agency coordination remains weak.

Legal Opportunities

Continuous Policy Update Advisory

Businesses critically need partners to **monitor legal documents** that change rapidly.

Innovative Financial Structuring

Structuring loans based on **cash flow, value chains, and intangible assets** – paved by Resolution 68.

Commercial Arbitration & Mediation

Only **22%** of enterprises trust the courts; **60.6%** have utilized ADR → **VIAC is becoming increasingly popular.**

Legal risks are being restructured to **the benefit of investors**. The role of lawyers is shifting from "**troubleshooting**" → **"co-creating and accompanying"**.

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THANK YOU!

1. **The deepest institutional reform cycle in 20 years** - reconstructing everything from the Constitution to the implementation process.
2. **Legal safety for the economy** is committed at the highest level: no criminalization, no adverse retroactivity.
3. **2026–2028 is a window of opportunity** – institutions have reformed, but the market has not yet fully adapted.

Đậu Anh Tuấn

Vice Secretary-General, Director of Legal Department
Vietnam Chamber of Commerce and Industry (VCCI)

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OPENING REMARKS FOR SESSION 2 - MANAGING LEGAL RISKS AND RESOLVING DISPUTES IN INVESTMENT AND BUSINESS ACTIVITIES

VU LE BANG (FCIArb)

Partner, HCMC Office Co-Representatives | Nishimura & Asahi (Vietnam) Law Firm
VIAC Listed Arbitrator
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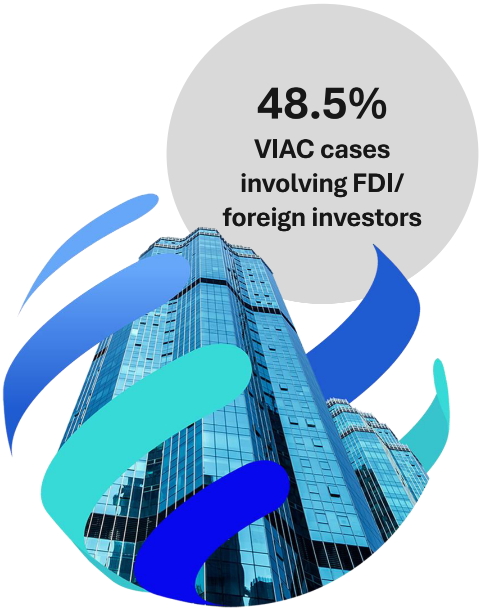
CONTENTS

1. Overview of Vietnam's Investment Landscape: Opportunity and Uncertainty



- **Vietnam remains attractive for FDI**: USD 38.4 billion total registered foreign investment in 2025.
- **FDI Implementation**: USD 27.62 billion disbursed FDI in 2025, up 9% compared to 2024.
- **Valid FDI projects** as of 31 Dec 2025: 45,416 projects, USD 529.6 billion registered capital.
- **Dispute Resolution Landscape**: VIAC and VMC Practices

  VIAC: 532 cases in 2025, 48,5% involved FDI/foreign elements

  VMC: 42 cased in 2018-2025, 40,48% involved FDI/foreign elements
- **"Administrative complexity and regulatory inconsistency remain the most frequently cited business challenges"** – EuroCham (2025)

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2. Mapping Legal Risks Across the Investment and Business Lifecycle

Vietnam is a multi-layered legal risk environment

Market Entry and Structuring

- Market entry: Conditional lines; Foreign ownership limits; and Investment licensing.
- Business structuring: Shareholder structures; Capital; and Deadlock.
- Inconsistencies between the IRC, ERC, Charter, SHA and transaction documents.

Operation & Market Compliance

- Implementation: Land use; Construction; Fire Safety; and Environment.
- Operations: Tax; Customs; Foreign exchanges; Labor; Data; and Competition.
- Sector-specific compliance additional requirements.

Dispute Resolution & Enforcement

- Dispute management: Notices; Reservation of rights; and Limitation Periods.
- Alternative dispute resolutions: Choosing right mechanism and Institution; Interim relief;
- Enforcement readiness: Asset location; Foreign Award/Judgement Recognition and Enforcement.

KEYNOTE

One project may trigger many overlapping legal regimes rather than a single legal issue.

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3. Protecting Business Interests: From Risk Management to Dispute Readiness

Common practical issues that create disputes in Vietnam

- Wrong signatory: Unclear legal representative, POA or internal approval trail.
- Document mismatch: IRC/ERC, charter, SHA, contract, filings and language versions do not align.
- Template remedies: Foreign templates not adapted to Vietnamese law on remedies and enforceability.
- Weak notices: Late or informal notices undermine termination, delay and damages claims
- Evidence gaps: Key emails, minutes, invoices, logs, approvals and chats are not preserved

Legal Protection

- Investment guarantees and protection of lawful assets.
- Contractual remedies: penalty, damages, suspension, termination and indemnity.
- Arbitration agreements, interim relief and court support.
- Stronger protection depends on compliance records and evidence.

5 Practical lines of Defense

1. Legal due diligence
2. Contractual risk allocation
3. Regulatory compliance
4. Governance and documentation
5. Dispute readiness: evidence hold, timely notices, settlement plan, procedural compliance and enforcement strategy

The best dispute strategy starts before the dispute exist

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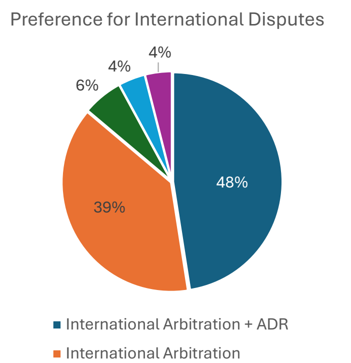
4. Dispute Resolution Mechanisms: ADR as a Strategic Business Tool



Source: 2025 International Arbitration Survey, School of International Arbitration, Queen Mary University of London

Why ADR?

Negotiation:
- Flexibility;
- Cost-effectively;
- Preserves relationship;
- Party autonomy.

Mediation:
- Neutral facilitation;
- Confidential;
- Preserves relationship; Business-friendly.

International Arbitration:
- Expert adjudicator;
- Confidential;
- Procedural flexibility; Enforceability.

Integrated Mechanisms

Med-Arb:
- Mediation first; Unresolved issues proceed to Arbitration.
- **VIAC/VMC Initiative:** Encourage the parties to conduct mediation by 15% mediation cost refund.

Arb-Med-Arb:
- Mediation during proceedings; Settlement is recorded / Arbitration resumes if no settlement.
- **VIAC/VMC Initiative:** Refund mediation/arbitration costs based on the outcome.
- Even settlement by VMC: Recognize by VIAC for stronger enforcement.

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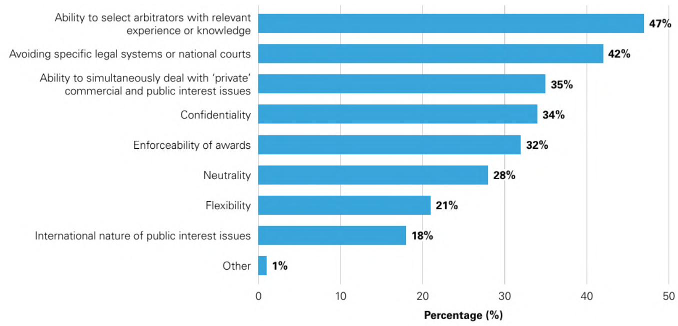
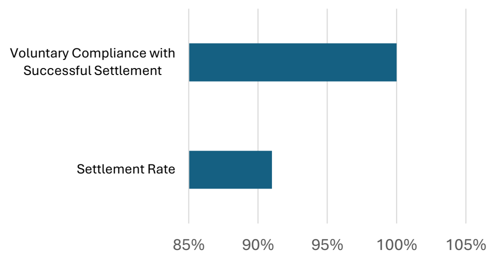
Significant Advantages of Arbitration and Mediation

What are the most significant advantages of international arbitration?



Source: 2025 International Arbitration Survey, School of International Arbitration, Queen Mary University of London

Mediation at Vietnam Mediation Centre



Source: VIAC Annual Report 2025

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Dispute Readiness: Broader than the Dispute Clause

Governing Law & Seat?	Institutions & Rules?	Negotiation or Mediation Stages?
Language & Arbitrators?	Interim Relief?	Assets & Enforcement Location?

Checklist for Investors

- Arbitrability and validity of the arbitration agreement under Vietnamese law.
- Confirm signatory authority for both the main contract and arbitration clause.
- Plan evidence: language, document custody, witness access, technical records and expert needs.
- Think through enforcement before the dispute: Vietnam, offshore assets, New York Convention pathway

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INTRODUCTION TO PANEL DISCUSSION OF SESSION 2:
"MANAGING LEGAL RISKS AND RESOLVING DISPUTES IN INVESTMENT AND BUSINESS ACTIVITIES"

Identifying Legal Risks Across the Investment and Business Lifecycle

Mr. Dimitrios Katsikis – *Counsel at A&O Shearman (Singapore)*

Dimitris Katsikis - A&O Shearman | LinkedIn

Choosing Dispute Resolution Mechanisms: Arbitration, Mediation & Other ADR Methods

Mr. Vu Anh Duong – *Permanent Vice President cum Secretary General of VIAC*

Duong Vu - VIAC (Vietnam International Arbitration Centre) | LinkedIn

Practical Insights into Dispute Resolution and Protecting Business Interests

Mr. Bui Van Thanh – *Head of New Sun Law Firm, VIAC Listed Arbitrator, VMC Listed Mediator*

Luật sư Bùi Văn Thành - Newsunlaw

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THANK YOU

FOR YOUR ATTENTION!

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