





ANNUAL REPORT





























Dear Sir or Madam,

This report aims to provide the ADR community and interested readers with information about the ADR activities of the Vietnam International Arbitration Centre (VIAC) in 2023. For many reasons, the annual Letter of the Chairman of VIAC could not be included at the time of publication.

The entire VIAC team pays tribute and extends their deepest respect to the late President, Dr. Vu Tien Loc. His legacy and contributions will always be cherished and upheld!

Mr. VU ANH DUONG

Permanent Vice President cum Secretariat General Vietnam International Arbitration Centre

Contents

Message from the Secretary General	04
01 Statistics on dispute resolution activities in 2023	06
Dispute resolution activities through Commercial Arbitration	07
Dispute resolution activities through Commercial Mediation	11
02 2023 – A year in review	13
Accompanying the Business Community	14
Key activities in Domestic and International cooperation	15
Training activities	17
Hightlight events	18
Publications	23

MESSAGE FROM SECRETARY GENERAL

Mr. VU ANH DUONG

Permanent Vice President Cum General Secretary, Viet Nam International Arbitration Center(VIAC)



Dear all,

As clearly seen, 2023 was another challenging year, not least after COVID 19 with financial fluctuations, political crisis socio-economic changes technological advancements and the digital transformation era. These have triggered increasingly growing tensions in the domestic market as well as on a regional and global scale. To enhance our adaptability, VIAC has always been closely observing the market and socioeconomic shifts, proactively scrutinizing performed activities in a spirit of continuous self-refinement, absorption of developing trends that are aligned with the current market to determine the propensity of our actions.

In 2023, the numbers of disputes received in VIAC continued to reach a new peak of 424 cases, increased by 30% compared to 2022, which reflects the significant fluctuations of domestic economy and trading schemes.

During strong tides,
Stay the course!

The majority of the disputes were constituted by ones regarding sales, export and import of goods, construction (including infrastructure); a sharp growth in the number of real-estate disputes (over 70 new cases).

Another remarkable milestone of 2023 is that VIAC ventured into the 30th year with lots of aspirations. We take pride that over the course of 30 years, VIAC has established a fundamental core to continue refining and gradually stepping into the next stage of evolution. The propensity of VIAC in this stage concentrates on two main focal targets:

First: Enduring and continuing to facilitate the quality and reputation of VIAC as a leading arbitration & ADRs organization in Vietnam, becoming one of preferred choices for international disputes on a regional scale. To achieve this, VIAC has implemented several initiatives: According to the 2021 Charter of VIAC, VIAC emulated operations of other arbitration institutions in the world and the application of arbitrators' tenures, to create space for generations of new arbitrators, promoting the diversity within List of Arbitrators and Arbitral Tribunals at VIAC. relevant to the current trend diversification of arbitration in the world. (ii) In the late of 2022, VIAC also issued a new version Guidelines of Arbitral Proceedings at VIAC based on a synthesis and evaluation of actual arbitration proceedings, learning international arbitration best practices, and meticulously crossreferencing the provisions of Law on

Commercial Arbitration, to provide a useful handbook for Arbitration Tribunals when engaging in the administration of arbitration proceedings at VIAC. In 2023, since the Guidelines was implemented, over 60% of the disputes involved CMC sessions, issuing PO1, Procedural Timetables; organized over 350 fully online meetings and hearings and (iii) VIAC is expediting an online management platform, which is expected to be released at the end of June 2024. These initiatives embody VIAC's dedication to keeping up with the evolving demands of digital transformation and effectively leveraging technology within the contemporary global landscape

A World With No Map¹, Where things could be done everywhere, all at once².

Second: VIAC is determined to better its activities in terms of institution and policy development. This focus aims to elevate VIAC's profile, fostering the growth of the ADRs market and the refinement of the legal framework governing ADRs, commercial and investment law, which ultimately contribute to the effectiveness of ensure contract enforcement mechanisms.

VIAC remains committed in its mission as a national arbitration institution, bearing the responsibility of actively promoting, expanding, and leading the ADRs market within Vietnam, thereby contributing to the country's ongoing economic integration endeavors.

VIAC has undertaken numerous large-scale initiatives, including the close monitoring of most legal documents at the draft stage (such as the Decree 59/2022/ND-CP on Electronic Identification and Authentication Decree and

the E-Transaction Law). Furthermore, VIAC actively contributes comments on draft laws presented at National Assembly (including the Law on Consumer Protection, Law on Housing, Law on PPP Investment, and the recently enacted Law on Land). These contributions ensure that arbitration mediation methods are fully recognized as viable options for parties seeking dispute resolution these aforementioned bγ Currently, VIAC is directly involved in the preparatory stages for the proposed amendments to the Law on Commercial Arbitration 2010, while simultaneously following legal documents issued and amended by government agencies and the National Assembly, consistently offering its insights from the perspective of commercial, investment, and dispute resolution law.

In 2023, VIAC continued to engage in numerous activities with esteemed international organizations actively involved in institutional reform initiatives and the facilitation of crossborder trade and investment, including USAID Vietnam, VCCI, and associations representing foreign businesses in Vietnam, EUROCHAM, AMCHAM, the US-ASEAN Business Council. This collaboration is reflected in a series of high-quality and intensive activities, including the VIAC's Arbitration Series - VAS 2023, the PPP Contract Model Event Series, Arbitrator Skills Camp, and the Investment Legal Support Forum -ILSF 2023. These activities not only solidify VIAC's international reputation but also propel the development of both the quality and scale of the Vietnamese ADRs market.

Dear all,

As stepping into the dynamic landscape of 2024, undoubtedly, with on-going challenges, we view obstacles opportunities for these as transformative growth. With our dedicated and VIAC's meticulous teams of Secretariat, Arbitrators, and Mediators, we are confident that VIAC will maintain its reputation as a premier provider of alternative dispute resolution services, not only contributing to the process of ensuring the enforcement of Vietnamese law but also closer to the international community.

On behalf of VIAC, we would like to express my deepest gratitude to your continued support and partnership, and let's together venturing into another year of prominent milestones.

Yours sincerely.

¹Theme of Seoul ADR Festival 2023

² Drawing inspiration from the English title of the film *Everything Everywhere All at Once*, directed by Daniel Kwan and Daniel Scheinert, which won seven awards at the 2023 Oscars.

01

STATISTICS ON DISPUTE RESOLUTION ACTIVITIES

DISPUTE RESOLUTION THROUGH ARBITRATION AT VIAC

Number of new cases

In 2023, VIAC handled **424 cases**, marking a 46.2% increase compared to the number of cases managed in 2022. This represents the **highest number of cases recorded in an annual report** since VIAC's establishment. The majority of disputes were related to the Sale of goods and Construction (including infrastructure), with a significant surge in the number of cases in the real estate sector.

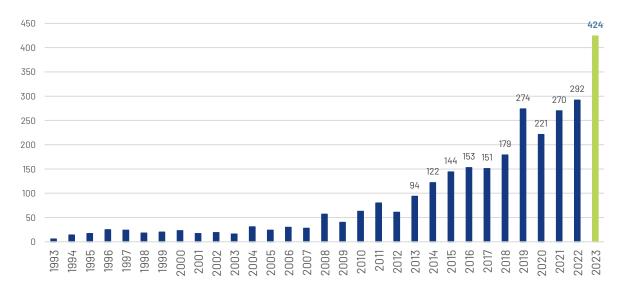


Figure 1.1 - The number of cases handled at VIAC (1993 - 2023)

Properties of Disputing Parties (1993 - 2023)

Figure 1.2 - The statistics on properties of disputing parties at VIAC (1993 - 2023)



● 46.12 % ● 31.45 % ● 22.43 % Domestic Disputes FDI-element Foreign-element

(without FDI

disputing party)

FDI-element disputes

Foreign-element disputes

In 2023, statistics reveal that domestic disputes totaled 345 cases, representing 81.37% of the total number of disputes, a 55% increase compared to the same period last year. Among these, purely domestics disputes accounted for 272 cases, while disputes involving foreign-invested enterprises is 73 cases. In addittion, the number of disputes involving foreign elements recorded 53 cases, representing 18.63% of the total number of disputes and an increase of 18.86% over the same period in 2022.

By the end of 2023, VIAC has handled 2,940 cases. In which, the proportion of domestic disputes is 46.12%, disputes with at least one FDI enterprise account for 31.45%, and disputes with foreign elements constitute 22.43%.

DISPUTE RESOLUTION THROUGH ARBITRATION AT VIAC

Nationalities of the Disputing Parties at VIAC (1993 - 2023)

Statistics show that VIAC handled cases with disputing parties hailed from variety nations and territories around the world. Of which are mostly from Asia (71%), Europe (15%), and North and South America (11%).

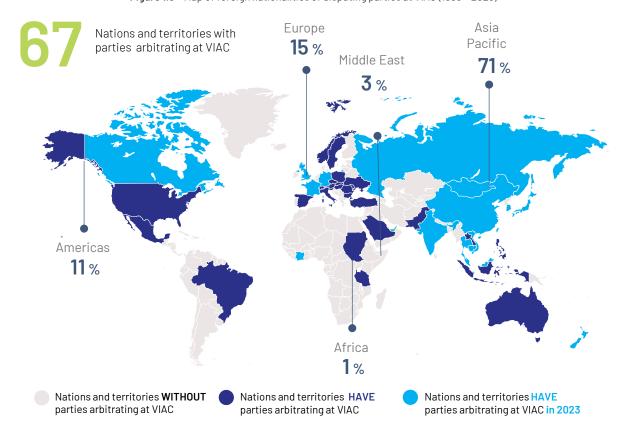


Figure 1.3 - Map of foreign nationalities of disputing parties at VIAC (1993 - 2023)

Top 10 Foreign Nationalities of Disputing parties in 2023

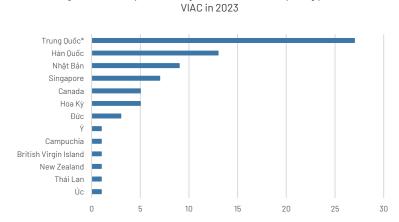


Figure 1.4 - Group of 10 foreign nationalities of disputing parties at

from China, South Korea and Japan were the 03 (three) leading nationalities at VIAC,

In 2023, the disputing parties

accounting for 65,3% of the foreign disputing parties.

Statistics on the nationalities

of disputing parties until the end of 2023 recorded 67 nations and territories with businesses arbitrating at VIAC. Of which China, Singapore and South Korea were the most prominent.

(*) Hong Kong, Taiwan included

DISPUTE RESOLUTION THROUGH ARBITRATION AT VIAC

Disputing parties

In 2023, Ho Chi Minh City and Hanoi are the 02 (two) cities with the highest number of new cases filed and handled by VIAC, accounting for 66.5% and 34.9% of total cases respectively. Additionally, VIAC handled cases involving parties from 38 provinces/cities across Vietnam. Among these, the top 05 (five) provinces/cities with the highest number of disputing parties also included Dong Nai, Binh Duong, and Bac Ninh.

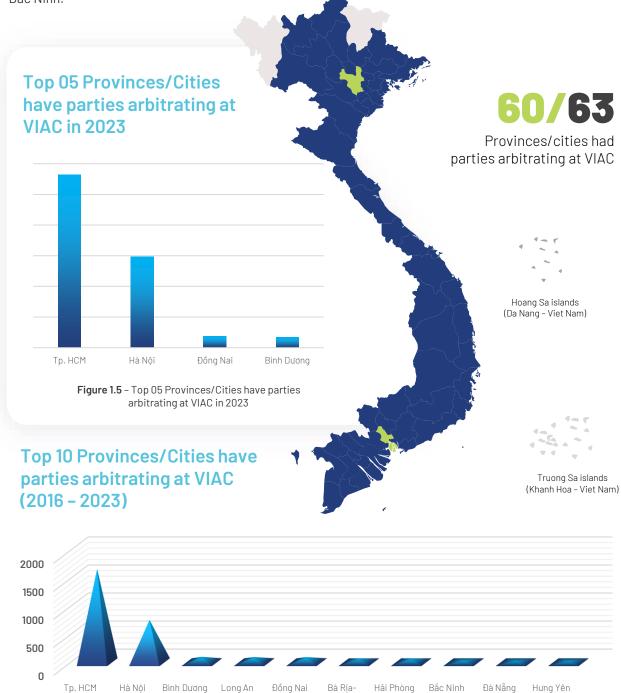


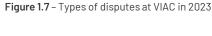
Figure 1.6 - Top 10 Provinces/Cities have parties arbitrating at VIAC in the period of 2016 - 2023

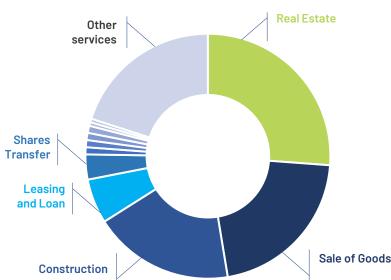
Vũng Tàu

DISPUTE RESOLUTION THROUGH ARBITRATION AT VIAC

Types of Dispute Resolution in 2023

In 2023, there was significant diversity in the areas of disputes resolved at VIAC. Notably, disputes arising from **real estate business activities accounted for 26.2%** and represented the area with the highest number of disputes handled at VIAC. Additionally, Sale of goods and Construction respectively recorded dispute rates of 21.2% and 18.6%.





	Types of disputes	
1	Real Estate	26.2%
2	Sale of Goods	21.2%
3	Construction	18.6%
4	Leasing and Loan	5.9%
5	Shares Transfer	3.3%
6	Security	0.9%
7	Insurance	0.9%
8	Investment	0.9%
9	NDA, NCA	0.9%
10	Finance	0.5%
11	Logistics	0.5%
12	Other services	20%

Other statistics

87,75%

of total cases with payment of arbitration fees 02

requests for applying Interim measures (01 request was accepted by the Tribunal) 138

cases with at least a party composed of an individual

(disputes arising from business cooperation contracts, real estate contracts, sale purchase agreement (SPA), etc.)

57

rreplacement of Arbitrators requests 1,537

Selection/Appointment of Arbitrators 68

cases with the selection of non-listed arbitrators 87,9%

of total cases involved lawyers as advocates or authorized representative

DISPUTE RESOLUTION THROUGH MEDIATION AT VMC

Number of cases handled in 2023

In 2023, VMC received a total of 03 (three) cases (contributing to a total of 39 cases in the period of 2018 – 2023), of which the number of domestic disputes and foreign-elements disputes accounting for 74.3% and 25.7% respectively. For the successful mediation cases, 100% of the parties voluntarily implemented the mediated settlement agreement (MSA). In addition, other ongoing cases are also displaying positive progress and are expected to be concluded in 2024.



Figure 1.8 - Properties of Disputing Parties in Mediation Cases at VMC in the period of 2018 to 2023

Types of Disputes

Statistics on dispute resolution through mediation at VMC in 2023 maintained complex and diverse sectors. Disputes arising from the sale of goods maintained the highest percentage at 35.90% of the total cases, followed by disputes arising from construction, consulting, and design activities at 33.33%. Additionally, VMC continue to record cases in services and business cooperation in 2023.

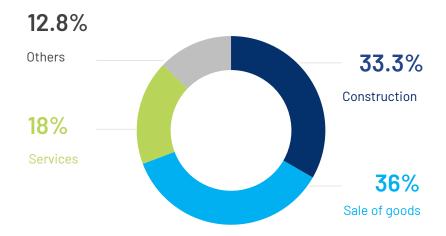
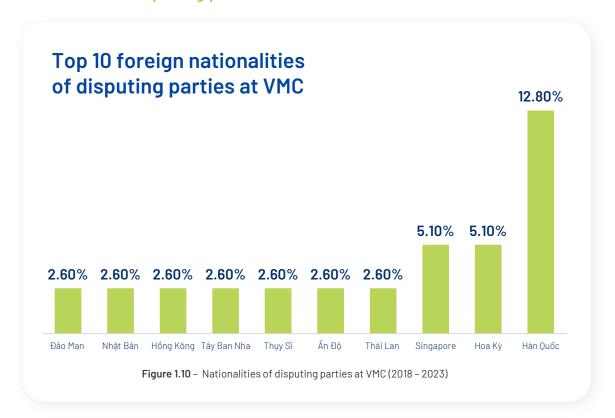


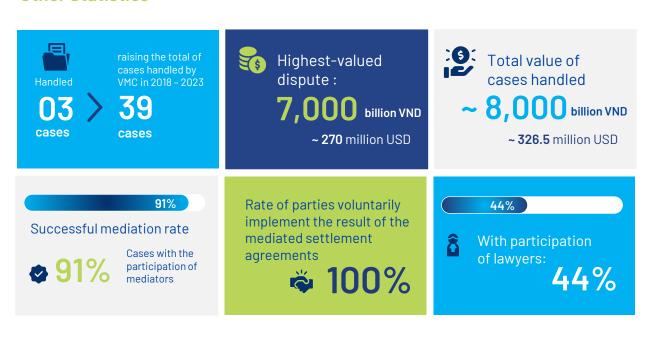
Chart 1.9 - Types of disputes at VMC in 2023

DISPUTE RESOLUTION THROUGH MEDIATION AT VMC

Nationalities of disputing parties



Other Statistics



02

VIAC IN 2023 A YEAR IN REVIEW

VIAC ACCOMPANIES WITH ENTERPRISES IN DOING BUSINESS

Active collaboration with Trade Promotion Organizations and Local Business Associations

In collaboration with business associations (BAs), VIAC achieved significant outreach by connecting with and engaging **over 50 BAs across the country** for the first time in a single year. In 2023, VIAC formalized its partnerships by signing more than 20 cooperation agreements with 44 domestic and international BAs in Vietnam. These included 25 provincial BAs, 16 industry-specific BAs, and 03 foreign BAs operating within the country.



Executing Activities within the framework of Projects on ADR or related legal management issues

01

ADRs developmental projects in Vietnam

In 2022, through working with the U.S Agency for International Development (USAID), VIAC for the first time became a direct partner in implementing a project on developing ADRs in Vietnam, with the implementation period in 2023 & 2024.

Accordingly, in 2023, the project officially launched with preparatory work for many components, with the core goal of improving the business environment to attract private investment for development in Vietnam by promoting the resolution of commercial and investment disputes through alternative dispute resolution methods.

02

Project to Enhance Private Sector Participation in Public-Private Partnerships in Vietnam

The activities implemented are a sub-project in which VIAC participates, within the framework of the project "Technical assistance for capacity and resilience enhancement and sustainable development", carried out by the Vietnam Chamber of Commerce and Industry (VCCI) and the United States Agency for International Development (USAID). In 2023, with the support of its partner, VIAC organized two events within the framework of the project and worked with the research team to complete and publish two reports: the "Review Report on Model Contract for BOT, BLT And 0&M Projects in Viet Nam" and the "Report on Mobilizing new financial to Infrastructure projects in Vietnam."

DOMESTIC & INTERNATIONAL COOPERATION ACTIVITIES

Enhancing proactive coordination activities with Government Agencies at both Central and provincial levels.

In 2023, VIAC actively participated in professional and academic forums, as well as in activities related to report on implementation of laws, organizing by the Ministry of Justice and its affiliated specialized agencies. Notably, to enhance and improve the effectiveness of the judicial support and supervision in arbitration, VIAC held two working sessions with the Supreme People's Court and the Hanoi People's Court regarding the Court's roles in judicial support and supervision in arbitration.

In the last year, VIAC's activities also received attention and participation from representatives of state agencies. Additionally, VIAC organized numerous events in collaboration with local government agencies. Particularly, for the Legal Support Forum for Investors in Ho Chi Minh City, in which the Ho Chi Minh City People's Committee co-hosted the event with VIAC and its partners.



Cooperation with institutions offering legal education programs

Based on the cooperation agreements signed in 2022 with legal education institutions, VIAC collaborated with 10 (ten) legal education institutions to organize events and activities focusing on dispute resolution methods.

Moreover, VIAC continued its role as a co-organizer, professional sponsor, and training for contestants, and provided representatives to participate in the Judge Committee in the annual Moot Court competitions.

Providing profession sponsorship for 03
Moot competitions



























KEY ACTIVITIES IN DOMESTIC AND INTERNATIONAL COOPERATION

Expanding partner network and enhancing international cooperation activities

VIAC continues to maintain connections and implement various activities with international partners, including international ADR organizations, foreign business associations, and foreign diplomatic agencies in Vietnam, etc.

With the embassies of countries in Vietnam, VIAC has connected and met with the embassies of Japan and the United States in Vietnam to discuss and work on ways to implement activities in support of the business community. In addition, VIAC has coordinated work discussions with the Taipei Economic and Cultural Office, leading to the signing of cooperation agreements with two Taiwanese business associations in Vietnam and the region.

With foreign trade and investment promotion organizations in Vietnam, VIAC regularly welcomes delegations to discuss activities supporting the foreign business community in Vietnam, specifically including Korean and Taiwanese businesses in Vietnam. During the preparation of activities aimed at the business community, VIAC has also received positive contributions regarding content, media coordination, and participation from many foreign business associations such as the American Chamber of Commerce in Vietnam (AmCham), the Italian Chamber of Commerce in Vietnam (ICham), the Singapore Business Group in Vietnam (SBG), the Hong Kong Business Association Vietnam (HKBAV), and the Korean Chamber of Commerce and Industry in Vietnam (KOCHAM).

Furthermore, in 2023, VIAC also welcomed several delegations of experts and lawyers from law firms visiting to learn about the arbitration procedures at VIAC and arbitration activities at VIAC.



















KCAB













































TRAINING ACTIVITIES ON ARBITRATION AND MEDIATION

Training course on Dispute resolution skill through Arbitration | October 13-15, 2023 & November 10-12, 2023

With the aim of guiding the development trends of Vietnam's arbitration market and becoming a reliable companion on the professional development path in the field of arbitration for individuals and the community, the Vietnam Institute for International Arbitration Research and Training (VIART), a provision of VIAC, has organized training courses on commercial arbitration to help businesses and lawyers systematically and thoroughly approach the knowledge of this dispute resolution method.

Following the first two arbitration training courses held in 2022, VIART continued to organize two "Training courses on Dispute resolution skill through Arbitration", one in Ho Chi Minh City from October 13–15, 2023, and another in Hanoi from November 10–12, 2023. These sessions featured 15 lectures from esteemed experts with extensive knowledge and practical experience in arbitration. The two training courses attracted 64 participants, with a 100% completion rate and an 85.94% achievement rate of the VIART Associate.









Advanced Training Course on Mediator Skills | October 27 & 28, 2023

Following the basic training and workshops on commercial mediation held in 2021 and 2022, in 2023, VMC continued to organize an **Advanced Training Course on Dispute Resolution Skills through Commercial Mediation**. This course aims to provide a systematic and comprehensive understanding of the commercial mediation process for lawyers, instructors, mediators, in-house counsels, and others.

The research of theoretical and practical knowledge in the field of commercial mediation have always been a priority for VMC. This is to ensure that the training materials, especially the practical application, is always updated, providing participants with not only knowledge but also highly applicable skills in mediation. VMC hopes that through this training activity, mediation knowledge can be disseminated to contribute to a professional mediator resource, thereby advancing commercial mediation in Vietnam.







HIGHLIGHT EVENTS IN 2023

Arbitrators and Mediators Conference 2023 122/04/2023

The year 2023 marked the 30th anniversary of VIAC (April 28, 1993 – April 28, 2023) and the 5th anniversary of the Vietnam Mediation Centre (VMC) a division of VIAC (April 27, 2018 – April 27, 2023).

To assess the results achieved in VIAC's journey with our listed arbitrators and mediators, as well as the opportunities and challenges for the coming years, VIAC and VMC organized the Arbitrators and Mediators Conference 2023.



The event was attended by over 100 arbitrators and mediators from across the country. The event also featured new aspects in the preparation process and conveyed important messages, not only about VIAC's activities over the past 30 years but also about the strategic vision for the next phase.

Vietnam ADRs Week 2023 (VAW 2023) Adapting to a Vibrant Asia | May 08 - 12, 2023

Building on the initial success of the Vietnam ADRs Week 2020 (VAW 2020), with the aim of continuing to provide a platform for the ADR practitioners community in Vietnam and Asia, VIAC, in collaboration with Vietnam Business Lawyers Club (VBLC), co-organized the Vietnam ADRs Week 2023 (VAW 2023) with the theme "Adapting to a vibrant Asia". VAW 2023 also marked a significant expansion in scale, with VIAC and VBLC in association with the direct supports from reputable organizations in the arbitration and ADRs in global and Asia, such as the International Chamber of Commerce (ICC), Permanent Court of Arbitration (PCA), Singaporean International Arbitration Center (SIAC), Asian International Arbitration Center (AIAC), Korean Commercial Arbitration Board (KCAB), etc. Additionally, VAW 2023 included a signing ceremony for cooperation agreements between VIAC and various business associations.





14 Events

26 Partners

116 Speakers 2.000
Participants

HIGHLIGHT EVENTS, EVENT SERIES **IMPLEMENTED IN 2023**

Discussion about Regulations on resolving dispute resolution by Arbitration - AMS 2023 | March 23 - April 14, 2023



AMS is a series of activities including specialized seminars and scientific forums aimed at discussing various topics related to dispute resolution through arbitration and mediation.

In 2023, AMS was held for the first time with the main "Discussion about Regulations on resolving dispute resolution by Arbitration" The series included 3 specialized seminar and 1 discussion forum. With the participation of many experts with practical experience and in-depth research in the field of arbitration dispute resolution, the event series attracted over 1,000 participants, both virtual and in-person.



SPECIALIZED SEMINARS

DISCUSSION **FORUM**

1,000 PARTICIPANTS

Legal Management Series 2023 LMS 2023 | July 1 - September 7, 2023



With the aim of supporting the business community in legal management and promoting effective resolution of disputes arising during business and investment activities Vietnam International Arbitration Centre (VIAC) decided to collaborate with partners to launch the Legal Management Series. In 2023, with the main theme "Take a proactive approach to Risk management", VIAC and its partners organized 13 events focusing on 3 areas: investment, real estate, and construction. The series was held across 5 provinces in the Southern region, including Ho Chi Minh City, Dong Nai, Ba Ria - Vung Tau, Can Tho, and Binh Thuan.



3000

PARTICIPANTS























HIGHLIGHT EVENTS, EVENT SERIES IMPLEMENTED IN 2023

Arbitrator Skills Camp (November 29 - December 3, 2023)

The Arbitration Skills Camp is an event organized by VIAC in collaboration with the U.S Agency for International Development (USAID). Its goal is to provide and update knowledge and practical operations of international arbitration for VIAC's listed arbitrators and secretaries, thereby enhancing dispute resolution capabilities through arbitration and improving the quality of arbitration services at VIAC. The program will be held in-person in Hanoi over five days, from November 29, 2023 to December 3, 2023.







Participants in the training course will be guided by 7 lecturers (including 6 foreign experts and 1 Vietnamese expert) with 9 theoretical modules and 6 practical modules. VIAC participation in the training includes 40 people, comprising arbitrators, secretaries, and organizers. The training course received positive feedback from participating arbitrators.

Consultation and Launching Seminar of Review report on public-private partnership (PPP) model contracts & report on mobilizing new financing to infrastructure projects in Vietnam (June 14 and November 16, 2023)

Within the framework of "Technical assistance for capacity and resilience enhancement and sustainable development", and following a series of consultation workshops, VIAC and the Vietnam Chamber of Commerce and Industry (VCCI), with technical support from USAID, successfully organized the "Launching Seminar of Review report on public-private partnership (PPP) model contracts & report on mobilizing new financing to infrastructure projects in Vietnam". These two reports are the result of over a year of work by the research team, which have been developed, reviewed, and finalized, and were officially announced at the event on November 16, 2023.













HIGHLIGHT EVENTS, EVENT SERIES IMPLEMENTED IN 2023

Investment Legal Support Forum 2023 (December 12, 2023)

After being researched and conceptualized in 2022 through extensive activities to support the foreign business community in Ho Chi Minh City, the Investment Legal Support Forum model (abbreviated as "ILSForum") was officially announced on December 12, 2023. Targeting domestic and foreign investors implementing projects in Ho Chi Minh City. The Investment Legal Support Forum focuses on collecting feedback and addressing concerns from the investor community regarding the current legal framework and policies. Through groups of experts and relevant authorities, the Forum will provide suitable guidance to help businesses resolve difficulties in applying legal regulations.

The Investment Legal Support Forum 2023 focused on Resolution 98/2023/QH15, which stipulates specific mechanisms and policies to develop Ho Chi Minh City. Accordingly, the Forum is divided into two main discussion sessions on the topics: (i) Investment in the form of Public - public-private partnership (PPP) and (ii) Promoting investment in "green" projects. These two topics will continue to be analyzed and discussed in depth at ILS Forum 2024.

24
Speakers

600Participants

02

Sessions

07

Organizing Units



















HIGHLIGHT EVENTS, EVENT SERIES IMPLEMENTED IN 2023

Webinar series on Issues required amendments and supplements in the Law on Commercial Arbitration 2010 and VIAC Arbitration Rules VAS Crossover 2023 | October 6 - November 17, 2023

To make the Webinar series an annual activity of VIAC, VAS – The Webinar series on Dispute Resolution through Arbitration has been organized for the 4th time. This year, the series followed the "Crossover" format, with the theme "Issues required amendments and supplements in the Law on Commercial Arbitration 2010 and VIAC Arbitration Rules – Vietnamese Practice, International Experience, and UNCITRAL Model Law/UNCITRAL Arbitration Rules." The seminars were held every Friday, in the period of October 6 to November 17, 2023. This is the first time VIAC collaborated with two reputable arbitration institutions in Vietnam, including ADR Vietnam Chambers and Hop Dang's Chambers, to co-host the series. For each webinar, the organizing units will collaborate with their partners to co-host the events, both inperson and online. This is a new feature of VAS 2023 compared to previous VAS events.



WEBINAR SERIES ON DISPUTE RESOLUTION THROUGH ARBITRATION

DISCUSSION TOPICS

GUEST EXPERTS

~1,500

ONLINE PARTICIPANTS

QUESTIONS TO EXPERTS

08
MODERATORS

IN-PERSON VENUES

~6,000

REPLAYS
(Facebook)

21,871

REACH
(Zoom & Facebook)













PUBLICATIONS IN 2023

Publications









Event Materials







































ANNUAL REPORT 2023 24









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