

RESEARCHING ON THE EXPERIENCES OF SOME COUNTRIES REGARDING THE RECOGNITION AND ENFORCEMENT OF INTERNATIONAL ARBITRAL AWARDS: SUGGESTIONS FOR IMPROVING VIETNAM'S LEGAL SYSTEM

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Abstract: In the context of deepening and broadening international economic integration, international arbitration has become a common and effective method for resolving commercial disputes. However, the actual enforceability of an international arbitral award primarily depends on its ability to be recognized and enforced in the countries where the losing party's assets are located. Vietnam, as a member of the 1958 New York Convention, has established certain legal provisions to govern this matter. But in practice, there are still inadequacy of procedures, jurisdiction, and legal interpretation, which affect the effective enforcement of international arbitral awards. This article focuses on researching the legal experiences and practical enforcement of international arbitral awards in several typical countries, such as the United Kingdom, South Korea, and China. Based on the comparison and analysis, the article proposes a number of recommendations aimed at improving Vietnam's legal framework, thereby enhancing the reputation and attractiveness of Vietnam's legal environment for international investment and trade activities.

Keywords: *Recognition and enforcement; international arbitral award; commercial arbitration; Vietnamese law; international experience.*

1. Introduction

In the context of strong globalization and international economic integration, cross-border commercial transactions are more and more increasing, leading to a greater demand for effective, flexible, and rights-protective dispute resolution mechanisms for participating parties. International arbitration, with its advantages of confidentiality, specialization, and broad enforceability, has become a popular dispute resolution method in international trade. However, an international arbitral award only truly asserts its legal value when it is recognized and enforced in the country where the losing party holds assets or where enforcement is approved. Therefore, the development and refinement of the legal framework for the recognition and enforcement of international arbitral awards is not only an essential requirement for fulfilling integration commitments but also a crucial foundation for attracting investment and ensuring legal certainty for international business entities.

In Vietnam, despite being a member of the 1958 New York Convention and having a relatively comprehensive legal system governing the recognition and enforcement of international arbitral awards, including the Commercial Arbitration Law 2010 and related provisions in the Civil Procedure Code 2015. But in practical, there are many shortcomings still exist. Some international arbitral awards are denied recognition or enforcement due to inconsistent interpretation and application of laws, complicated procedures, or a lack of transparency (National Assembly, 2010; Nguyen Thanh Minh Chanh, 2022). This reality demands the review, update, and refinement of the legal mechanism to align with international practice, as well as learning from the experiences of countries with developed arbitration systems.

Around the world, many countries such as Singapore, France, and China have built transparent, favorable legal systems and have mechanisms that actively support the recognition and enforcement of international arbitral awards. Singapore is considered one of Asia's leading arbitration centers due to its

arbitration-friendly legal policies and the active support of its judicial system. France, with its long-standing legal tradition, also has many progressive provisions for recognizing arbitral awards, including those issued in countries not signatories to the New York Convention. Meanwhile, China has made strong progress in applying online arbitration and building mechanisms to ensure cybersecurity during dispute resolution, while actively improving its laws to protect the validity of arbitral awards in the context of increasingly developing e-commerce (Evans & Dang, 2022; Dao Ba Minh, 2021).

In the new context, as e-commerce activities and online dispute resolution (ODR) become more and more popular, the recognition and enforcement of cross-border arbitral awards face not only traditional legal challenges but also technical and information security barriers. According to Oh (2016), arbitral awards in online environments, especially in business-to-consumer (B2C) transactions, are encountering difficulties in enforcement due to a lack of consistency in legal and mutual recognition among countries. These challenges highlight the urgent need for Vietnam to study and learn from international experiences to propose appropriate legal reforms, helping Vietnam's legal system keep pace with the development trends of global trade.

This article aims to analyze the legal experience and practical enforcement of international arbitral awards in several typical countries such as Singapore, France, and China. Based on this, the article provides policy suggestions and recommendations to improve Vietnam's legal system in this area, especially in the current context of digital transformation and deep economic integration. The research is conducted through qualitative analysis, comparing practical application, combined with comparative law methods to draw lessons from successful legal models, thereby proposing specific and feasible solutions for Vietnam.

2. Literature Review

2.1. Theoretical Framework

The recognition and enforcement of international arbitral awards is one of the crucial cornerstones ensuring the practical effectiveness of arbitration as an alternative dispute resolution method. In the context of globalization, building an effective, transparent, and internationally compatible legal system not only helps to enhance investor confidence but also affirms a nation's commitment to protecting the legitimate rights of business entities. From a theoretical perspective, an international arbitral award is the outcome of a judicial process outside the state's justice system, yet it holds legal value equivalent to a court judgment when recognized and enforced by the competent authority of the country where enforcement is approved.

According to the 1958 New York Convention – the primary international legal foundation for the recognition and enforcement of foreign arbitral awards – member states commit not to refuse to recognize an award solely because it was issued abroad, except for a few limited exceptions. Vietnam acceded to this Convention in 1995 and has internalized of its basic principles through the Commercial Arbitration Law 2010 (National Assembly, 2010). However, as said by Dung (2016), enforcement practice still reveals many shortcomings in the request review process, unclear interpretation of criteria for refusing recognition, and especially inconsistency in understanding among different levels of adjudication regarding the role of arbitration in resolving international commercial disputes.

Within the framework of international economic integration, commercial arbitration is considered an effective method suitable for the specific nature of cross-border transactions. Kien (2020) argues that the arbitration dispute resolution mechanism offers advantages in terms of speed, procedural flexibility, and confidentiality, thereby meeting the increasing demands of the international business community. However, to ensure the ultimate effectiveness of this method, there needs to be a robustly designed and consistently applied enforcement mechanism for awards, avoiding situations where arbitral awards are

nullified or unenforced merely for formal reasons.

The strong development of technology and e-commerce in recent years has also posed new theoretical requirements for online arbitration. While Vietnam remains hesitant in recognizing the legal validity of awards issued by online arbitral tribunals, many countries have amended their laws to acknowledge this form as a legitimate and feasible method. Evans and Dang (2022) indicate that China has made significant progress in digitizing the arbitration process, combined with a strict data security system to maintain the integrity and enforceability of awards in the online environment. From a theoretical perspective, this reflects the evolution of legal understanding regarding the extraterritorial nature of modern commercial disputes and the necessity of adjusting laws towards recognizing non-traditional dispute resolution methods.

From the perspective of transparency and feasibility, Chien (2024) said that for an arbitral award, whether traditional or online, to be recognized and enforced in various countries, the legal system needs to establish clear, objective criteria that do not contradict international standards. Meanwhile, according to Dao Ba Minh (2021), the online arbitration model in the EU is gradually becoming a general trend in the region due to legal and technical support, facilitating smoother enforcement of awards. In Vietnam, Nguyen Thanh Minh Chanh (2022) argues that the recognition and enforcement of arbitral awards arising from e-commerce disputes require a flexible legal framework that keeps pace with the development of digital technology, while maintaining harmony with the fundamental principles of civil procedure.

In summary, modern theories regarding the recognition and enforcement of international arbitral awards are no longer limited to the framework of domestic substantive law but have expanded to encompass the protection of parties' trust in choosing non-judicial mechanisms for dispute resolution. Building a solid and updated theoretical foundation, while appropriately internalizing it in line with practical realities, will be the basis for improving the effectiveness of international arbitration in Vietnam, moving towards a transparent, consistent, and investor-friendly legal system.

2.2. Literature Review

The recognition and enforcement of international arbitral awards is a subject that has received profound attention in legal research, especially in the context of global economic integration and the rapid development of cross-border trade. This issue has been approached from various perspectives in the world, such as international legal frameworks, the role of states in internalizing provisions from the 1958 New York Convention, and new challenges in enforcing online arbitral awards in the digital age. Daradkeh (2004) conducted a comprehensive comparative study between the legal systems of England and Jordan regarding the recognition and enforcement of foreign arbitral awards, highlighting the pivotal role of national courts in supporting and supervising arbitration activities. The author's analyses laid the foundation for a comparative law approach in modern research.

In the East Asian region, South Korea is one of the countries with an early-developed arbitration system and a clear strategy for enhancing the role of commercial arbitration. Do and Quy (2021) has analyzed the latest commercial arbitration development plan of the South Korean Government, thereby providing practical recommendations for Vietnam in building a similar strategy to foster an investor-friendly legal environment and effectively protect the rights of parties in commercial disputes. Additionally, Eun-Kyung's research (2013) also emphasized the issue of professional ethics and legal liability of arbitrators in the dispute resolution process, a factor that significantly influences parties' confidence in the enforcement of arbitral awards.

In China, the transition to an online arbitration environment is accompanied by the request of ensuring cybersecurity and data security, which are put on the top. Evans and Dang (2022) said that the combination of digital technology and arbitration legal regulations in China is a testament to the legal system's rapid adaptability to changes in international trade. However, as pointed out in Oh's study (n.d.),

the enforcement of cross-border arbitral awards in B2C disputes still faces many legal limitations, especially concerning consumer protection and the determination of court jurisdiction.

In Vietnam, scholars and practitioners have made numerous contributions to analyzing and assessing the situation of recognition and enforcement of international arbitral awards. According to Dung (2016), although Vietnam has internalized some provisions of the 1958 New York Convention in the 2010 Commercial Arbitration Law, the practical application still presents many shortcomings, ranging from uneven understanding among adjudicating bodies to a lack of consistency in precedents. Hoa (2018) also pointed out that the current legal system still contains ambiguities regarding the jurisdiction of courts in the recognition and enforcement phase of foreign arbitral awards. Sharing this view, Duong (2021) analyzed the practice at the Vietnam International Arbitration Centre (VIAC) and showed the difficulties in persuading courts to recognize arbitral awards, particularly in cases involving foreign elements.

Besides traditional arbitration, the emergence of online arbitration has posed new challenges to the existing legal framework. Chien (2024) emphasized the requirements for transparency and enforceability of online arbitral awards in the international context, while suggesting that Vietnam needs to take proactive steps in building mechanisms to recognize the legal validity of non-traditional forms of awards. Nam's (n.d.) research on commercial mediation also shows the interplay between out-of-court dispute resolution methods and arbitration, thereby highlighting the increasingly diverse role of non-judicial dispute resolution mechanisms in Vietnam's legal system.

From a theoretical perspective, Hau (2019) distinguishes between courts and arbitration not only by their organizational structure but also by their legal nature and functions. This distinction plays a crucial role in determining the jurisdiction for recognizing and enforcing arbitral awards. Meanwhile, Kien (2020) emphasizes the adaptability and effectiveness of arbitration in resolving international commercial disputes, while also highlighting the urgent need to improve Vietnamese law to ensure the feasibility and enforceability of foreign arbitral awards.

From the overview of the studies mentioned above, it can be seen that the issue of recognition and enforcement of international arbitral awards has been an important research topic at both academic and practical levels. Analyzing experiences from countries such as South Korea, China, and the UK, combined with an assessment of the legal situation in Vietnam, provides a necessary basis for proposing appropriate suggestions to improve the national legal system, contributing to building a transparent, stable, and deeply integrated investment environment.

3. Research Methodology

The research using a combination of research methods to analyze international experiences and propose solutions for improving Vietnam's legal framework regarding the recognition and enforcement of international arbitral awards. The methods applied include qualitative analysis, comparative law, comparison of practical application, and synthesis and evaluation of documents. Specifically, qualitative analysis is used to assess legal provisions, practical application, and issues related to the recognition and enforcement of international arbitral awards in Vietnam as well as in the studied countries such as South Korea, China, the UK, and Jordan. This method focuses on examining legal documents, reports, academic studies, and related information sources to clarify shortcomings and challenges in practice, while evaluating the effectiveness of international legal models.

Additionally, the comparative law method is applied to contrast legal provisions and practical application in countries with developed arbitration systems with Vietnam's legal system, focusing on factors such as the transparency of the legal framework, the supportive role of courts, the process of recognizing and enforcing awards, as well as how these countries handle new challenges related to online arbitration, thereby drawing appropriate and feasible lessons for application in Vietnam. The method of

comparing practical application is used to analyze the current state of international arbitral award enforcement in Vietnam by examining data from the Vietnam International Arbitration Centre (VIAC), annual reports, and related studies, helping to clarify practical shortcomings in adjudication, such as inconsistencies in legal interpretation and application, as well as issues regarding court procedures and jurisdiction.

Finally, the method of synthesizing and evaluating documents is employed to collect and analyze reference materials, including academic research works, journal articles, reports from arbitration organizations, and national and international legal instruments such as the 1958 New York Convention and Vietnam's Commercial Arbitration Law 2010. This is aimed at building a soundly theoretical foundation and providing practical data to support analyses and proposed legal reforms. The combination of these methods ensures the scientific, comprehensive, and practical nature of the research, providing a basis for proposing solutions appropriate to the context of Vietnam's legal and economic.

4. Research Results and Discussion

4.1. Experiences of some countries regarding the recognition and enforcement of international arbitral awards

The recognition and enforcement of international arbitral awards is a central component of international commercial arbitration activities, playing an essential role in ensuring the legal validity and practical value of this dispute resolution mechanism. The 1958 New York Convention established an important international legal framework for member states to recognize and enforce foreign arbitral awards, with the basic principle of minimizing procedures and limiting grounds for refusal of enforcement. However, the process of internalizing and applying this Convention varies significantly among countries, depending on their respective legal and institutional contexts.

In South Korea, the legal system has made great steps in creating a favorable legal environment for arbitration. The South Korean government has enacted numerous policies to develop commercial arbitration and has also invested in the activities of the Korean Commercial Arbitration Board (KCAB). According to Do and Quy (2021), South Korea not only focuses on improving the efficiency of arbitral proceedings but also aims for international integration through UNCITRAL standards and the New York Convention. Specifically, South Korea has demonstrated transparency and strictness in handling violations of arbitrators' duties, thereby contributing to enhancing the confidence of parties participating in the settlement of disputes through arbitration (Eun-Kyung, 2013). A remarkable factor is that KCAB awards have a very high recognition and enforcement rate in other countries, demonstrating the quality of adjudication and the international compatibility of the arbitration system in South Korea.

In China, despite having a strong and complex centralized legal system, the country has made significant efforts in recognizing and enforcing foreign arbitral awards. According to Evans and Dang (2022), China has established specialized courts to handle cases related to the recognition and enforcement of international arbitral awards, especially in areas with a high concentration of foreign enterprises such as Shanghai, Beijing, and Shenzhen. Nevertheless, China still faces certain challenges in the transition to online arbitration, where cybersecurity and data security play a crucial role in establishing the legality and enforceability of awards. Internal mechanisms for the recognition and enforcement of awards also still need improvement to limit excessive interference from the court system.

The experiences from the UK and Jordan were thoroughly analyzed by Daradkeh (2004) through a comparative study. The UK is one of the countries with a legal tradition that respects the principle of arbitration and has a legal system friendly to foreign arbitral awards. The UK Arbitration Act 1996 clearly and comprehensively stipulates procedures for recognition and enforcement, while ensuring a minimal level of court intervention. Meanwhile, Jordan, despite significant improvements after acceding to the

New York Convention, still faces difficulties due to the lack of independence of its judicial system and inadequate provisions in its arbitration law. This analysis shows a commonality among successful countries in recognizing and enforcing arbitral awards: the clear separation between the functions of arbitration and the reasonable supportive-supervisory role of the courts.

Furthermore, the development of online arbitration is posing new challenges in award enforcement. Oh (2021) pointed out that commercial disputes between businesses and consumers in cross-border B2C environments often face significant difficulties in enforcing awards due to a lack of legal coordination among countries, especially when national laws do not recognize electronic awards or lack clear provisions on jurisdiction. This leads to the risk of "unenforceable awards," undermining confidence in modern arbitration.

From the above experiences, it can be seen that the core factors determining the success of the recognition and enforcement process of international arbitral awards in various countries are the clarity and transparency of the legal system, the degree of compatibility with international standards, the ability to limit unnecessary court intervention, as well as proactivity in adapting to new forms of arbitration. Vietnam can learn from South Korea regarding building an arbitration development strategy and strictly handling arbitrators who violate duties, from the UK regarding transparent and effective legal mechanisms, from China regarding the organization of specialized courts to support arbitration, and simultaneously needs to be cautious of the challenges of online arbitration as pointed out by Oh (2021). The flexible application of these international experiences is an important foundation for Vietnam to continue improving its legal system related to international commercial arbitration in the coming time.

4.2. Current situation of recognition and enforcement of international arbitral awards in Vietnam

Vietnam has been a member of the 1958 New York Convention since 1995 and has internalized many core principles of this Convention through the Commercial Arbitration Law 2010. However, in practice, the recognition and enforcement of international arbitral awards in Vietnam still face numerous challenges, both legally and in judicial practice. These difficulties not only affect the effectiveness of the arbitration mechanism but also erode the confidence of foreign investors in the ability to protect their legitimate rights in Vietnam.

According to Duong (2021), during 10 years of applying the Commercial Arbitration Law, Vietnam has recorded in significant progress in the number of cases resolved by arbitration, especially at the Vietnam International Arbitration Centre (VIAC). However, the rate of international arbitral awards recognized and enforced in Vietnam remains low, primarily due to the lack of consistency in judicial practice and the differing interpretations by judicial bodies regarding the conditions for enforcement. Furthermore, the procedure for requesting the recognition of international arbitral awards in court sometimes involves a review of the merits of the dispute, contrary to the spirit of the New York Convention which Vietnam has committed to comply (Hoa, 2018).

Another noteworthy issue is the not-yet-clear distinction between the roles of courts and arbitration mechanisms in the dispute resolution process. Hau (2019) said that courts sometimes intervene deeply in the process of recognizing arbitral awards—for example, reviewing substantive elements or even re-evaluating evidence—which obscures the principles of independence and voluntariness that are fundamental to commercial arbitration. This not only diminishes the effectiveness of the award but also goes against international practice.

In the context of e-commerce develops strongly, Vietnam is beginning to face new issues related to online arbitral awards. According to Chien (2024), the current legal system lacks specific provisions to handle situations concerning the validity, security, and authenticity of awards issued via online platforms. The absence of an appropriate legal framework could pose significant obstacles to the

recognition and enforcement of such awards in Vietnam.

Meanwhile, the commercial mediation mechanism – considered a preliminary method supporting arbitration – has not yet promoted commensurate effectiveness. According to Nam (n.d.), the mediation system in Vietnam remains largely formal, lacking a closely legal basis and not effectively integrated with the arbitration process. Consequently, many awards originating from mediation still face difficulties in being transformed into legally enforceable decisions.

Statistically, data from VIAC indicates a number of cases involving foreign elements is growing, but the majority are concentrated in a few major centers and primarily involve FDI enterprises (VIAC, 2019). According to VIAC's Annual Report (2018), a significant proportion of international arbitral awards are delayed or refused recognition, largely due to procedural obstacles or incompatibility between arbitration law provisions and judicial practice at various court levels.

Additionally, a major current challenge is the application of ODR, which is being strongly promoted in Europe (Dao, 2021) but is still relatively new in Vietnam. According to Nguyen (2022), the legal basis for online arbitration and mediation in Vietnam lacks specificity, leading to difficulties in recognizing awards issued from online processes, especially when clear technical standards and verification procedures are absent.

From the above situation, it can be seen that although Vietnam has made significant efforts in developing its legal framework and arbitration institutions, there are still many stuck in practical application. Specifically, these include a lack of consistent in the legal system, unreasonable intervention by the court, and slow adaptation to modern arbitration trends such as online arbitration. These issues demand a comprehensive reform strategy, which should focus on perfecting legal regulations, enhancing the awareness and capacity of judges and arbitrators, and strengthening coordination among relevant authorities to ensure that international arbitral awards truly have legal validity and enforceability in Vietnam.

4.3. Discussion

Studying the experiences of typical countries in the recognition and enforcement of international arbitral awards reveals many important lessons that can be applied to the process of improving Vietnam's legal system. Although Vietnam has been a member of the New York Convention since 1995 and has internalized some fundamental principles of the Convention into the Commercial Arbitration Law 2010, the actual implementation process still faces many shortcomings, particularly in the interpretation and application of laws and the coordination among judicial bodies.

One noticeable lesson comes from the experience of South Korea – a country with a developed commercial arbitration system, especially with the role of the Korean Commercial Arbitration Board (KCAB). The South Korean government has proactively built a comprehensive development strategy for commercial arbitration, including enhancing the capacity of arbitrators, reforming procedures for recognizing international arbitral awards, and promoting ODR mechanisms. The application of modern management mechanisms, transparency in processes, and increased specialized training for judges also contribute to improving the effectiveness of award enforcement (Do & Quy, 2021).

Additionally, China's experience in resolving cross-border disputes through online platforms is also a notable suggestion. China has proactively issued specific regulations related to cybersecurity, identity authentication, and ensuring the legal validity of online arbitral awards. This not only builds trust for parties involved in disputes but also contributes to ensuring the enforceability of such awards in practice (Evans & Dang, 2022). This is an important lesson for Vietnam in the context of rapidly developing e-commerce and online dispute resolution, where the legal framework is still incomplete.

Jordan is another example of improving legal mechanisms to enhance the enforceability of

international arbitral awards. This country has reformed its Civil Procedure Law to ensure compatibility with the New York Convention and clearly stipulate the powers and duties of courts in reviewing the recognition of international arbitral awards. Concurrently, the clear separation of procedural review functions (formal review) from non-interference with the merits of the award helps limit arbitrary vetoes (Daradkeh, 2004). Vietnam can refer to this model to complete its judicial control system over arbitral awards while still respecting the principles of freedom of contract and the finality of arbitration.

Another notable point is that advanced countries often have simple, clear, and supportive procedures for recognizing and enforcing international arbitral awards, rather than obstructive ones. Courts in many countries are seen as "supporters of arbitration" rather than "Retrial judge" – this aligns perfectly with the spirit of the New York Convention and ensures the effectiveness of the arbitration mechanism. On the contrary, in Vietnam, as many experts note, the role of the courts sometimes still heavily leans towards retrial, hindering the process of recognizing and enforcing awards and even leading to inappropriate refusals of enforcement (Hau, 2019).

Furthermore, lessons from several countries shows the necessity of building a highly qualified team of judges and arbitrators with deep knowledge of international arbitration law, capable of flexibly applying international regulations and practices. In South Korea, arbitrators and judges are continuously trained and updated on international law and modern dispute resolution skills (Eun-Kyung, 2013). Vietnam needs to strengthen its training efforts and develop a specialized workforce to enhance the quality of resolving and enforcing international arbitral awards domestically.

Finally, the lesson on transparency and standardization of the recognition and enforcement process for awards is essential. Building a national database of recognized arbitral awards, rejected enforcement cases and their enclosing reasons will help enhance consistency in adjudication and serve as an important reference for businesses, lawyers, as well as foreign investors.

In summary, international experiences show that to enhance the effectiveness of recognizing and enforcing international arbitral awards, Vietnam needs to implement synchronized solutions: completing contents and procedural laws, raising personnel qualifications, applying technology in dispute resolution, and especially creating a friendly legal environment that respects the principle of freedom of contract and the validity of arbitral awards. This is the foundation for Vietnam to integrate more deeply into the international commercial dispute resolution system in the era of globalization.

5. Solutions

Improving the Legal Framework in compliance with International Practice

One of the fundamental and long-term oriented solutions is to complete the legal framework for the recognition and enforcement of international arbitral awards. Special emphasis must be placed on compatibility with International Treaties to which Vietnam is a member, particularly the 1958 New York Convention. The Commercial Arbitration Law 2010 needs to be reviewed, amended, and supplemented to concretize the criteria for recognizing or refusing to recognize awards, thereby avoiding arbitrary interpretations that hinder enforcement. Specifically, concepts such as "public order," "right to a fair trial," or "capacity of the arbitral councils" need to be clarified to limit discretion and inconsistencies in practical application. Improving the legal framework in compliance with international standards will contribute to increasing the confidence of foreign investors and ensuring the enforceability of international arbitral awards in Vietnam.

Enhancing the Supportive Role of Courts towards Arbitration

Courts play a central role in supporting and supervising arbitration activities but should not interfere with the merits of the dispute. To ensure the principle of arbitral independence, the limits of court intervention in the process of reviewing applications for recognition and enforcement of foreign arbitral awards must be clearly defined. Courts should only examine statutory procedural conditions,

without delving into the substance of the dispute, nor should they reject an award solely for formal reasons if it does not affect the legitimate rights of the parties. Furthermore, it is necessary to train a specialized team of judges well-versed in international arbitration, and simultaneously create a cooperation mechanism between courts and arbitral institutions to ensure closer and more effective coordination in the process of enforcing arbitral awards.

Standardizing and transparentizing recognition and enforcement procedures

The current procedures for recognizing and enforcing international arbitral awards in Vietnam lack synchronization and transparency, especially between different court levels and localities. Therefore, it is essential to develop specific and unified guidelines across the entire judicial system regarding the process of receiving, processing, and reviewing applications for recognition and enforcement of foreign arbitral awards. Time limits for resolution need to be clearly stipulated and minimized to facilitate the relevant parties. Additionally, the disclosure of court judgments and decisions related to the recognition and enforcement of arbitral awards should be implemented systematically and comprehensively to increase transparency and create precedents for similar future cases.

Enhancing the capacity of judges and arbitrators

The quality of human resources is a key factor determining the effectiveness of the mechanism for recognizing and enforcing arbitral awards. Therefore, it is essential to focus on training and developing in-depth knowledge for the team of judges, especially those specializing in cases involving foreign elements and international arbitration. Training content should include international arbitration law, multilateral treaties, skills in analyzing and evaluating the validity of arbitral awards, and complex situations that may arise in judicial practice. For arbitrators, it is necessary to establish a mechanism for certification, evaluation, and quality assessment of their performance to ensure professionalism, ethics, and professional competence, while also encouraging the participation of internationally qualified experts to enhance the reputation of Vietnamese arbitration on the international stage.

Applying technology and supporting online dispute resolution

In the context of strong digital transformation and the global trend in e-commerce, the implementation of ODR is inevitable. To achieve this effectively, Vietnam needs to issue specific legal regulations on ODR, including conditions for organizing online hearings, recognizing the validity of electronic evidence and digital signatures, as well as ensuring equal access to justice for all parties. Applying new technologies such as artificial intelligence, blockchain, and cloud storage to arbitration proceedings not only helps save costs but also enhances transparency and information security. The State also needs to invest in technical infrastructure and encourage arbitration centers to build ODR platforms that meet international standards to support domestic and foreign parties in conveniently, safely, and effectively using these services.

Establishing a monitoring mechanism and a unified database

To ensure consistency and effectiveness in the recognition and enforcement of international arbitral awards, it is necessary to establish a specialized monitoring mechanism, which could be a department within the Supreme People's Court or the Ministry of Justice, with the function of monitoring, evaluating, and proposing reforms in the field of commercial arbitration. At the same time, building a national database system on recognized or rejected international arbitral awards will greatly assist relevant parties in forecasting legal risks, while also providing researchers and state agencies with more data for legal policy planning. This database needs to be digitized, regularly updated, and ensure accessibility for organizations and individuals requiring information retrieval.

6. Conclusion

The recognition and enforcement of international arbitral awards is a key issue in ensuring the

effectiveness of arbitration as a dispute resolution mechanism, especially in the current context of economic globalization and deep legal integration. Experiences from various countries such as South Korea, China, Jordan, and European Union member states demonstrate the importance of building a transparent, synchronized legal system consistent with international practice, while promoting the supportive role of courts and the professional capacity of arbitrators.

In Vietnam, despite certain legal advancements, particularly since the promulgation of the Commercial Arbitration Law 2010 and accession to the 1958 New York Convention, enforcement practices still reveal numerous shortcomings. Legal provisions lack consistency, application varies unevenly across localities, and procedures remain complex and lengthy; and at the same time, the capacity of judges and arbitrators and the application of technology in arbitration activities are still limited.

Based on the study of international experiences and an assessment of the current situation in Vietnam, this article has proposed several specific solutions aimed at improving the legal system, including: completing the legal framework in line with international practice; enhancing the supportive role of courts; standardizing procedures for recognition and enforcement of arbitral awards; strengthening human resource capacity in the field of arbitration; promoting the application of technology and online arbitration; and building a national arbitration database. If effectively implemented, these solutions will contribute to enhancing the enforceability of international arbitral awards, creating a favorable and stable legal environment for investment and trade activities, and protecting the legitimate rights of disputing parties in Vietnam

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