



## News from ACICA

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### **Shenzhen Arbitration Commission, People's Republic of China**

A delegation from the Shenzhen Arbitration Commission led by Professor Wang Gangye, the Vice Chairman of the Commission, visited ACICA on Thursday 27 February 1997. Professor Wang was accompanied by his colleagues Professor Zhao Chang Sheng, Mr Li Qiu Liang and Mr Hao Zhong Qui.

The Shenzhen Arbitration Commission was established in October 1995. It is located in Shenzhen in southern China which, as readers may be aware, is a rapidly developing Special Economic Zone. As such Shenzhen is one of the gateways to modern China and the establishment of the Commission in that area will no doubt prove useful to parties having trade and investment interests in southern China.

The Commission has promulgated arbitration rules in accordance with the Arbitration Law of China and the Civil Procedure Law of China. The Commission will accept arbitrations within China as well as by foreign parties or two foreign parties. A copy of the rules is held at ACICA for any interested parties to access.

ACICA and the delegation expressed mutual interest in maintaining contact and exchanging information. ACICA has suggested to the Commission that the two bodies enter into a co-operation agreement.

The contact details for the Commission are as follows:

*6/F, 4 Shennan Zhong Road, Shenzhen 518028 China*

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### **Vietnam**

ACICA also hosted a visit from the Minister of Justice of Vietnam on Thursday 27 February 1997. The Minister of Justice, Dr Nguyen Dinh Loc, was accompanied by Dr Ha Hung Cuong, Director of International Law and Dr Le Thanh Long, a legal expert from the Ministry of Justice in Vietnam. The delegation from Vietnam spent a busy five day schedule including visits to various Australian Ministers, Judges, law firms and associations including ACICA.

The Minister expressed great interest in the activities of ACICA and in the conduct of arbitrations in Australia. He indicated that there were many areas of common interest. Vietnam was interested in providing appropriate machinery for

international commercial dispute resolution to ensure that foreign investors and traders had confidence in the resolution of commercial disputes in Vietnam should they arise. He said that one of their problems at present was the need to provide training to a broad number of people. With respect to arbitration facilities in the region he noted that because of lack of knowledge of the facilities already available in Australia and other nearby countries many disputes were still being referred to European centres such as London and Paris. He felt that more information about facilities available in Australia needed to be provided to countries such as Vietnam so that they would be able to access those facilities.

In view of current interest in trade and investment in Vietnam and the development of commercial laws there is a need to be aware of the framework for the resolution of commercial disputes in Vietnam. The economy is shifting from "a bureaucratic centralised subsidised regime to a market driven economic structure". This means that many developments in commercial law may be expected, not the least of which will occur in the area of commercial dispute resolution. In 1993 significant changes were made to the laws dealing with the organisation of the courts dealing with economic disputes in order to produce better quality resolution, stricter procedures and the right of the parties to participate in the proceedings more fully. At the same time the jurisdiction of economic arbitration was expanded and the procedures improved. In late 1995 Vietnam acceded to the *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention)*. Vietnam has acceded to the *New York Convention*, adopting both the 'reciprocity' and 'commercial' reservations. Vietnam also enacted a domestic ordinance on recognition and enforcement of foreign arbitral awards in Vietnam. The Ordinance gives effect to the *New York Convention* under the municipal law of Vietnam and enacts procedures to give effect to the enforcement of foreign awards under it.

The Australian government has recently announced a training program for Vietnamese lawyers, for the study of English and law, called the Legal Sector Assistance Project. During the visit by the Minister of Justice to Australia he signed the agreement with AusAID concerning the Legal Sector Assistance Project. The program may involve up to twenty seven-week internships for selected Vietnamese lawyers to gain direct practical experience in aspects of the practice of international law in Australia. This program was developed by the AILEC (Australian International Legal Co-operation Program) and is now being continued by the International Legal Services Advisory Council ('ILSAC').

ACICA shall continue discussions with the Ministry of Justice with respect to co-operation in the international commercial dispute resolution area and seek to negotiate co-operation agreements with relevant arbitral bodies in Vietnam. It is anticipated that there will be many opportunities in the field of commercial dispute resolution for participation by Australian lawyers and arbitrators.