

THE POSSIBILITY OF RECOGNIZING EMERGENCY ARBITRATION IN NATIONAL LAWS OF COUNTRIES WITH DEVELOPING COMMERCIAL ARBITRATION: EXPERIENCE FROM VIETNAM

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ABSTRACT

Emergency arbitration—a relatively new innovation in international arbitration, is a procedure that allows the disputing parties to seek interim urgent measures before the substantive arbitral tribunal is formed. Despite the growing interest in the procedure, little is known about its application, especially in emerging economies. This article seeks to fill that information gap by offering a case study of Vietnam, one of several such emerging economies in South East Asia which has been actively developing its alternative dispute resolutions, particularly commercial arbitration. Specifically, the authors will explore how existing Vietnamese national laws could be interpreted to apply to emergency arbitration, as well as potential benefits of and possible push backs against the formal recognition of the same procedure. The research will hopefully supply a valuable data point and

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reference for other countries at similar stage of development in commercial arbitration.

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