

1.8.2 Specifically Economic Contracts

Name: Ordinance on Economic Contracts.
Agency: Standing Committee of the National Assembly.
Date: September 25, 1989.
Details:

This Ordinance stipulates that disputes in economic contracts between juridical persons must be referred to economic arbitration.

Economic contracts are defined in Article 1 as written agreements
 ...on the implementation of production, exchange of goods, services, researches, and the application of scientific and technical know-how; or any other business agreements which clearly set out the rights and responsibilities of each party.

Article 2 states that an economic contract can only be formed between Vietnamese juridical persons. The definition of a juridical person includes enterprises with foreign invested capital, but not the foreign partner in a BCC.

The Ordinance on Economic Arbitration outlined next establishes the economic arbitration structure for disputes in economic contracts.

Name: Ordinance on Economic Arbitration.
Agency: Standing Committee of the National Assembly.
Date: January 10, 1990.
Details:

This Ordinance was adopted in an attempt to create a system for economic contract dispute resolution that did not involve the People's Courts.

For disputes that involve foreign parties, there are 2 levels of economic arbitration under the Ordinance. The first is the State Economic Arbitration Committee in Hanoi. The second is the provincial and city economic arbitrators. Most disputes can be reviewed at either level. Appeals from the lower level are heard by the State Committee. The decision of the State Committee is final.

Article 21 of the Ordinance outlines the powers of the arbitrators. Arbitrators may, for example, request independent expert advice and establish valuation committees in circumstances where there is no established market for disputed assets. Arbitrators may also require banks to place interim restrictions on bank accounts. Finally, arbitrators may, of course, issue a variety of awards.

1.8.3 Labour Disputes

Name: Articles 56-57, Decree No. 233-HDBT Regulating Employment in Enterprises with Foreign Invested Capital.
Agency: Government.
Date: June 22, 1990.
Details:

There are two types of disputes addressed in this Decree: wrongful termination of contract; and implementation of collective agreements.