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RESOLVING ECONOMIC DISPUTES BY ARBITRATION UNDER THE LAWS OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC - SOME THEORETICAL AND PRACTICAL ISSUES

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SUMMARY OF DOCTOR OF LAW THESIS

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FOREWORD

1. The urgency of researching the topic

Along with comprehensive socio-economic development, economic disputes also appear in increasing numbers over the years with increasingly complex nature. This requires each country to have appropriate Dispute Resolution methods to meet the essential and increasingly diverse needs of businesses. Arbitration is one of the popular dispute resolution methods in many countries with developed market economies, and is also gradually being chosen by other countries as an effective economic dispute resolution method.

As early as 1986, when the Lao People's Revolutionary Party held its 4th Party Congress, it proposed a comprehensive reform policy, which identified the key step as opening up the country and strongly transforming the country's economy structure, developing a socialist-oriented market economy, gradually integrating Lao PDR into the common flow of the region and the world, the issue of resolving economic disputes by arbitration is also gradually recognized. Up to now, arbitration is one of two methods of resolving economic disputes recognized in the Law on Economic Dispute Resolution 2018. Although there are many amendments and additions compared to the 2010 law, but these regulations are still considered to be quite general, lacking in systematicity, not strict, and not in accordance with the laws of many countries around the world, international law and international practices. In particular, the arbitration method in Lao PDR has many differences compared to other countries in the world, because the system of agencies competent to resolve economic disputes by arbitration is under the Ministry of Justice. Therefore, economic dispute resolution activities in Laos have many differences; besides the advantages, there are also many difficulties and obstacles.

Along with that in recent years, Laos's economy and society are developing rapidly, especially economic activities with foreign elements, economic disputes frequently occur, becoming increasingly diverse and complex. That poses a need to continue building and perfecting the law on economic dispute resolution by arbitration. To contribute to the implementation of this task, there is a need for in-depth research projects to propose valuable solutions to improve the law on economic dispute resolution by arbitration in Lao PDR in the future. Realizing the importance of the problem, the I decided to choose the topic: ***"Resolving economic disputes by arbitration according to the law of Lao PDR - Some theoretical and practical issues"*** as the research topic for my doctoral thesis in jurisprudence.

2. Research objectives and research tasks

2.1. The research objective of this thesis is to clarify the nature of arbitration in Lao PDR, discover inadequacies and limitations in current legal provisions and practical application of the law on Economic Dispute Resolution, thereby proposing a number of scientific and feasible solutions to improve legal regulations and improve the effectiveness of applying the law on this issue in order to diversify economic dispute resolution methods in Laos in the context of international integration.

2.2. Research mission

First, research the research situation related to the thesis topic in the country (Lao PDR) and abroad to evaluate the research results that can be inherited, referenced and issues that need to be developed in the thesis research process.

Second, inherit and develop a number of basic theoretical issues about economic disputes, methods of resolving economic disputes by arbitration, laws on resolving economic disputes by arbitration, especially must clarify the concept of Economic Dispute Resolution and the nature of Arbitration in Lao legal science.

Third, analyze and evaluate the current status of legal regulations on economic dispute resolution by arbitration. During this process, there is a comparison of the provisions of Lao law with the Model Law and the laws of some countries related to this issue. Besides, learn and clarify the current situation of Economic Dispute Resolution by arbitration through the practical operations of Laos' Economic Dispute Resolution agencies. From there, we discovered the inadequacies and limitations in the legal regulations as well as the practical application of the law on economic dispute resolution by arbitration.

Fourth, identify some directions and propose some scientific and practical solutions to improve legal regulations on economic dispute resolution by arbitration, as well as improve the efficiency of law enforcement. Law on Economic Dispute Resolution by Arbitration at Economic Dispute Resolution agencies in Lao PDR.

3. Research object and scope of research

3.1. The research object of the thesis is theoretical and practical issues of the legal system of Lao PDR regarding economic dispute resolution by arbitration. Besides, the experience of international law and the law of some countries around the world on this issue is also the research object of the thesis.

3.2. Research scope

- Regarding the scope of legal documents: The thesis focuses on the legal regulations of Lao PDR related to economic dispute resolution by arbitration, with a focus on the current Economic Dispute Resolution Law. Besides, we also research international legal documents (such as the Model Law) and legal documents of some countries related to this issue.

- Regarding spatial scope: Focus on researching the current status of legal regulations and law enforcement practices on economic dispute resolution by arbitration in Laos.

- Regarding time scope: The thesis focuses on researching legal regulations and law enforcement practices on Economic Dispute Resolution by Arbitration in Lao PDR since the time of the Law on Economic Dispute Resolution 2018 takes effect. However, to have the most comprehensive view of the development of the legal system and the practical application of Lao law on economic dispute resolution by arbitration, the legal regulations and implementation practices of the period The previous one will also be studied.

4. Research methodology and methods

The thesis uses Marxist-Leninist theory and President Kay Son Phom Vi Han's thoughts on the state and law. The thesis also uses the guidelines and viewpoints of the Lao Party and State stated in the *"Resolutions of the National Congress"* of the Lao People's Democratic Party and the *"Socio-economic development strategies"* of the Lao People's Revolutionary Party as well as the *"5-year socio-economic development plan"* of the Lao Government (period 2015-2020, 2021-2025) on: legal reform, judicial reform, continuing to improve the legal system of market economic mechanism with socialist orientation.

To clarify the problem that needs to be researched, the thesis not only relies on the general methodology as mentioned above but also uses independently and combines many scientific research methods such as analysis - synthesis method, method of analysis and synthesis. comparison, generalization - induction method, performance method, commentary method, evaluation method - logical inference...

5. Research results and new contributions of the Thesis

Is a research project at the doctoral dissertation level in jurisprudence, comprehensively and systematically researching the law on resolving economic disputes by arbitration in the Lao PDR since the 2015 Constitution. Once issued, the thesis will have the following main new contributions:

Firstly, through systematizing and clarifying a number of theoretical issues about economic disputes and methods of resolving economic disputes by arbitration, the thesis has explained the differences in legal science. Laos compares with other countries in the world in terms of the use of terms related to economic disputes and the nature of arbitration bodies. Besides, the thesis has contributed to proving that the birth of arbitration in economic dispute resolution in Lao PDR is due to the development of a socialist-oriented market economy; the same objective necessity.

Second, the thesis has analyzed and evaluated relatively comprehensively and systematically the current situation of Lao law on economic dispute resolution by arbitration in comparison with the law of the previous period as well as international law and the laws of some countries. At the same time, learn and evaluate the application of arbitration law to resolve economic disputes that have arisen in Laos in recent times. From there, we discovered issues that need to be amended and supplemented in the provisions of the law as well as shortcomings and weaknesses in the process of applying this law in Laos.

Third, the thesis has identified directions and proposed feasible solutions to improve the law and improve the effectiveness of applying the law on resolving economic disputes by arbitration in Laos in the coming time. In particular, the thesis emphasized that improving the law on dispute resolution by arbitration must first implement solutions to supplement arbitration forms and transform the legal status of economic dispute resolution agencies (as a regulatory arbitrator) to a socio-professional organization outside the state apparatus in order to bring the arbitrator to the correct position of a non-governmental arbitration agency.

6. Structure of the thesis

In addition to other parts, the research results of the thesis include an Overview of the research situation and 03 chapters. Specifically:

OVERVIEW OF THE RESEARCH SITUATION

1. Overview of research situation related to the topic

The author has compiled and divided research projects into three research issues as follows: (1) Research projects related to the theory of resolving economic disputes by arbitration; (2) Research work related to the current state of Lao law and practical application of law on resolving economic disputes by arbitration in Laos; (3) Research work related to the issue of improving the law and improving the effectiveness of applying the law on resolving economic disputes by arbitration in Laos. Thereby, the postgraduate student student found that: At the legal training

institutions in Vietnam, up to the present time, there have been no projects researching the issue of the current legal situation and the practice of law enforcement in the People's Democratic Republic. Laos on Economic Dispute Resolution by Arbitration at a specialized level - Doctoral thesis in jurisprudence.

2. Evaluating works related to the topic and research orientation of the thesis

Through researching typical published works, the postgraduate student found that these works still have certain gaps. Through that, the postgraduate student identified a number of points that can be further developed in this work as follows:

First, *regarding theoretical issues:* postgraduate student needs to inherit the theoretical results on economic disputes and arbitration of previous works, from there develop and explain the reasons why until now, in the market economy of international economic integration, Laos's legal science still uses the term "economic dispute" instead of modern terms, the similarities and differences in the nature of the settlement method. Resolve this dispute in relation to comparing Lao legal science with other countries and some theoretical legal issues on resolving economic disputes by arbitration; fxperience in international law and the laws of some countries on resolving economic disputes by arbitration that Lao lawmakers can learn from in the process of perfecting their national legislature.

Second, *on the current state of the law and the practice of implementing the law on resolving economic disputes by arbitration:* In addition to analyzing and evaluating the current status of legal regulations on resolving economic disputes by arbitration in comparison with previous laws such as other works, postgraduate student students will analyze and compare the provisions of Lao law and the laws of some countries and international laws on this issue is to see the differences in Lao legal regulations with the Model Law and most countries; find out and clarify the current status of Economic Dispute Resolution activities by arbitration of Economic Dispute Resolution agencies in Laos to find out the inadequacies and problems arising from the actual use of arbitration method to resolve disputes and the causes leading to these inadequacies.

Third, *regarding directions and solutions to improve the law and improve the effectiveness of law enforcement on resolving economic disputes by arbitration:* Postgraduate student students need to evaluate whether to maintain the Resolution agency model. Is economic dispute by arbitration a professional and public service agency of state agencies like today? At the same time, propose solutions to improve the effectiveness of law enforcement in the immediate context that the current system of economic dispute resolution mechanisms in Laos by arbitration still has to go through the Center and Resolution Offices. Resolve economic disputes in the province and the capital.

3. Theoretical basis of research, research questions and research hypotheses

3.1. Some research theories: The thesis has used a number of theories related to economic dispute resolution and arbitration to explain issues related to the issue of economic dispute resolution by arbitration in Lao legal science, including: Theory of business freedom; Theory of self-determination; Theory of non-governmental jurisdiction; Theory of Court Support.

3.2. Research questions and research hypotheses

Question 1: What is the method of resolving economic disputes by arbitration and the law on resolving economic disputes by arbitration?

Research hypothesis: The method of dispute resolution by arbitration is essentially a non-governmental judicial method. However, in Laos, this method has not been thoroughly explained and recognized, and has not placed arbitration in its correct position, leading to difficulties in building and perfecting the law. Therefore, it is necessary to clearly define the nature and content of the method of resolving economic disputes by arbitration, the law on resolving economic disputes by arbitration as well as the governing factors to have a basis for proposals of feasible solution.

Question 2: What is the current status of legal regulations on economic dispute resolution by arbitration and the practical application of these legal regulations in Laos?

Research hypothesis: The law on economic dispute resolution by arbitration of Lao PDR is basically complete but not really complete, not compatible with the Model Law and world law, leading to some problems. problems and difficulties in the practical application of these legal provisions to resolve economic disputes.

Question 3: To perfect legal regulations and improve the effectiveness of applying legal regulations on economic dispute resolution by arbitration, what directions must be followed and what solutions are needed?

Research hypothesis: Completion of legal regulations on economic dispute resolution by arbitration in Lao PDR towards bringing arbitration to its true nature, creating favorable conditions for subjects to participate in arbitration. Dispute resolution maximizes the advantages of arbitration, promoting diversification of economic dispute resolution methods in the socialist-oriented market economy and international integration.

CHAPTER 1

THEORETICAL ISSUES ON RESOLUTION OF ECONOMIC DISPUTES BY ARBITRATION AND LAW ON RESOLUTION OF ECONOMIC DISPUTES BY ARBITRATION

1.1. Some theoretical issues on resolving economic disputes by arbitration

1.1.1. Overview of economic disputes

"Economic disputes" from the perspective of legal language can be understood as *"conflicts and disagreements about rights, interests and obligations between subjects when participating in economic relations"*. The reality of legal science shows that, along with the movement and development of economic relations and legal science, the term "economic dispute" is rarely used, but has been gradually being replaced by modern, specialized terms with a narrower scope such as "commercial dispute", "business dispute"...

However, up to now, in legal science, the Lao PDR still uses the term "economic dispute". This comes from many reasons, first of all from the fact that in Laos's actual law, up to now, there is no specialized law on commerce or business (only laws such as the Enterprise Law, the Law on Promotion of Business, the Law on investment promotion etc.)) so the classification of activities in each specialized field such as business, trade, investment, intellectual property rights, technology transfer or disputes within the enterprise... is not really done. Clearly, it all boils down to business activities and transactions between entities in these fields are referred to economic contracts, uniformly regulated by the Civil Code and a number of related regulations. In addition, the term

"economic dispute" has become familiar and deeply ingrained in the subconscious and legal thinking of the people of Laos, so the use of this term to date is the safest and the most easy to disseminate to all people.

However, the scope of the concept of "economic dispute" in Lao legal science also has a certain change along with the change in economic management mechanism from planning mechanism to people's sovereignty market economic mechanism and development and international integration. Currently, the Law on Economic Dispute Resolution 2018 defines "economic disputes" resolved at Economic Dispute Resolution agencies by arbitration or conciliation as "*conflicts of interest between legal entities or between legal entities and individuals or between legal entities and organizations, individuals and individuals, individuals and domestic or foreign organizations arising due to violations of economic contracts or from business activities*". Within the scope of this thesis, the concept of "economic dispute" will be understood according to the provisions of the 2018 Law on Economic Dispute Resolution of Laos..

Economic disputes are a socio-economic phenomenon that appears in any economy and is increasingly rich, diverse in type and complex in content, has property elements and is often of asset nature with high value... requiring quick and thorough settlement. In addition, the subjects of economic disputes are mainly individuals and organizations with business rights recognized by the State, with a certain level of knowledge, aware of the issue of protecting their rights, and high appreciation of "the credibility" as well as being aware of maintaining good cooperative relations between the parties for sustainable development. It is this characteristic that makes parties to economic disputes tend to favor alternative dispute resolution methods that follow the "peaceful" path rather than "court litigation".

1.1.2. Method of resolving economic disputes by arbitration

1.1.2.1. Concept of method of resolving economic disputes by arbitration

The concept of "Arbitration" can be studied in different aspects as a method of resolving economic disputes or an institution (organization) for resolving economic disputes. Within the scope of this thesis, the concept of "arbitration" will be explored from the perspective of a method of resolving economic disputes. Accordingly, "*Arbitration is a method of dispute resolution chosen by agreement of the parties with the participation of one or more arbitrators (collectively referred to as the Arbitration Council) to make a decision. Is this ruling valid and binding for all relevant parties to implement*"

1.1.2.2. Characteristics of the method of resolving economic disputes by arbitration

The content of this subsection presents 05 characteristics of the dispute resolution method by arbitration: (i) Regarding the nature of arbitration; (ii) The dispute resolution mechanism by arbitration is a combination of two elements: agreement and jurisdiction; (iii) Method of resolving disputes by arbitration based on the parties' right to self-determination; (iv) The arbitration authority to resolve disputes is only established by an arbitration agreement between the disputing parties that is legally effective and enforceable; (v) The arbitration award is final. In particular, ***the nature of arbitration*** is theoretically an alternative resolution method, the arbitration agencies are non-governmental judicial bodies whose power originates from "contractual power" (or "representative power") entrusted and delegated by the disputing parties. However, in practical law, if most countries today organize arbitration models in the form of non-governmental organizations (social-professional organizations), then in some countries (typical Lao PDR), the organization with the

authority to resolve disputes arising in economic activities by arbitration is a judicial agency in the structure of the state administrative apparatus. The difference in the legal status of arbitration organizations in Laos compared to the world can be explained by the purpose of this agency's establishment, which stems from the Government's policy of judicial reform, encouraging civil dispute settlement using alternative methods to reduce the Court's backlog. Furthermore, the Lao Government wishes to build its arbitration mechanism at the regional and international levels. To do this, the arbitration agency must be under the control of the Government, receive support from the Government and have state power to carry out its functions. Giving rights to private organizations or foreign organizations to become an arbitration center in Laos is hardly feasible at this stage. Therefore, the Center for Economic Dispute Resolution was established to serve these purposes, under the Ministry of Justice of Laos. Arbitrators - the people assigned to resolve disputes - are mostly officials, civil servants, and public employees, and receive salaries from the state budget. However, these characteristics are issues that need to be resolved in the process of perfecting the legal framework as well as improving the effectiveness of using the method of resolving economic disputes by arbitration in this country.

In general, arbitration is a dispute resolution method that combines many advantages of other dispute resolution methods, resulting in arbitration being a dispute resolution method with many advantages compared to other dispute resolution methods. That's why, although there are still certain disadvantages, these disadvantages cannot hinder the development of referees. Arbitration has become an increasingly popular alternative dispute resolution method around the world.

1.2. Some theoretical legal issues on resolving economic disputes by arbitration

1.2.1. Concepts and characteristics of the law on resolving economic disputes by arbitration

"The law on economic dispute resolution by arbitration is a system of principles and legal norms promulgated or recognized by the state to regulate the resolution of economic disputes through arbitration procedures with the aim of eliminating economic contradictions, conflicts, and disagreements, thereby protecting the legitimate rights and interests of the disputing parties.

The law on Economic Dispute Resolution by Arbitration has a few unique characteristics such as: (i) The Law on Economic Dispute Resolution by Arbitration emphasizes the freedom of agreement of the parties; (ii) The applicable law to resolve economic disputes by arbitration is recorded in the regulations on arbitration proceedings; (iii) To ensure fairness when economic disputes arise, the laws of most countries have stipulated the burden of proof of the disputing parties.

1.2.2. Overview of the form and content of the law on resolving economic disputes by arbitration

The form of law on economic dispute resolution by arbitration is quite diverse and differs depending on how countries recognize legal sources, but most countries recognize that these are first of all the Legal documents regulating the method of resolving disputes by arbitration. On a global scale, we can mention: The 1958 New York Convention stipulates the principles of recognition and enforcement of arbitral awards for member countries; Model Law on International Commercial Arbitration 1985... At the national level, some countries have developed a specialized law that regulates in detail and specifically the issue of resolving economic disputes by arbitration,

for example Vietnam, Japan; there are countries that integrate this issue in a common law document as an institution instead of an independent law, such as the French Republic or Lao PDR.

Through the above research on international law and national law around the world, it can be seen that the content of the law on Economic Dispute Resolution by Arbitration includes overall provisions on the following aspects: (i) Regulations on principles for resolving economic disputes by arbitration; (ii) Regulations on arbitration agreements; (iii) Regulations on the jurisdiction of arbitration to resolve economic disputes; (iv) Regulations on arbitration forms and Arbitrators; (v) Regulations on order and procedures for resolving economic disputes by arbitration; (vi) Regulations on Court support for arbitration.

1.2.3. Factors influencing the legal content and application of the law on resolving economic disputes by arbitration

The practice of resolving economic disputes by arbitration shows that there are a number of factors that influence the legal content and application of the law related to this issue, including: (i) International legal standards in integration context; (ii) Political regime, level of economic development; (iii) The State's judicial reform policy; (iv) Cultural traditions, business practices and businessmen's awareness of arbitration; (and, (v) Quality of Arbitrators

1.3. International law, the laws of some countries on resolving economic disputes by arbitration and some lessons learned for Lao law

1.3.1. International law on resolving economic disputes by arbitration

Among the international legal documents on Dispute Resolution by Arbitration, first of all the Model Law on International Commercial Arbitration of 1985 must be mentioned. The Model Law includes 8 chapters and 47 articles (as amended in 2006), regulations directly regulating the arbitration process with a number of typical issues regarding: (i) Arbitration agreement; (ii) Jurisdiction of the Arbitration Council; (iii) Composition of the Arbitration Council; (iv) Dispute Resolution Process by Arbitration; and, (v) Court assistance in arbitration proceedings. However, because the rules and regulations of the Model Law are only suggestive, the content of the rules and regulations of the Model Law varies from country to country, which may cover all issues set out in the Model Law but may also refer to some aspects to ensure consistency with other regulations in their national legal system.

1.3.2. Laws of some countries on resolving economic disputes by arbitration

The countries selected to research Arbitration law on Economic Dispute Resolution include: 01 country in the close ASEAN bloc with political institutions and legal systems close to Lao law, Vietnam (focus on Commercial Arbitration Law 2010); 01 Asian country not in ASEAN that has quite modern law on International Arbitration and has similarities with Laos in terms of Arbitration is Japan (Arbitration Law 2003) and 01 Asian country Europe has a great influence on the characteristics of the Lao legal system in general and Arbitration law in particular because of historical factors such as the French Republic (Civil Procedure Code, Book No. IV).

1.3.3. Some lessons learned for improving the law on resolving economic disputes by Arbitration in Laos

First, clearly define the nature of the arbitrator's authority

Second, about disputes resolved by arbitration

Third, strict and detailed regulations on arbitration agreements

Fourth, related to the issue of the form of arbitration

Fifth, the independence of the Arbitrator is an extremely important condition that must be complied with and guaranteed to achieve fair and effective dispute resolution results.

Sixth, the order and procedures for resolving disputes in arbitration are diverse and flexible, respecting the freedom of agreement of the disputing parties.

Seventh, the Court's support in the arbitration proceedings is in principle necessary to ensure the effectiveness of arbitration activities.

CHAPTER 2

LEGAL STATUS AND PRACTICE OF APPLICATION OF THE LAW ON ECONOMIC DISPUTE RESOLUTION BY ARBITRATION OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

2.1. Brief history of formation and development of the law on resolving economic disputes by arbitration in the Lao People's Democratic Republic

The process of formation and development of Lao law on economic dispute resolution by arbitration is closely linked to and is the result of the process of innovation and economic development of the country according to the Socialist orientation, the active in international integration of the Lao State and can be divided into two stages:

- The first phase from 1986 to 2005, is considered the period of laying the first "bricks" for the formation of alternative economic dispute resolution methods (including arbitration) in Laos.

- The second phase from 2005 to present with the introduction, amendments and supplements of the Economic Dispute Resolution Act, demonstrates this country's continuous efforts in perfecting the legal framework to effectively use dispute resolution by arbitration as well as other alternative dispute methods, contributing to creating favorable conditions for domestic and international business activities.

2.2. Current status of legal regulations in the Lao People's Democratic Republic on resolving economic disputes by arbitration

2.2.1. Regulations on principles for resolving economic disputes by arbitration

Because the 2018 Economic Dispute Resolution Law is a law that regulates both alternative dispute resolution methods, mediation and arbitration, therefore, in Lao law there is no direct provision on the principles economics by arbitration. According to the approach of the current Law on Economic Dispute Resolution, resolving economic disputes by arbitration or conciliation must comply with 06 groups of general principles specified in Article 8 of this Law, including the following principles: (i) Principle of respecting the voluntariness of disputing parties in choosing economic dispute resolution; (ii) Principles of ensuring dispute resolution fairly, quickly and only in accordance with the law; (iii) Principle of ensuring equality before the law; (iv) Principles of ensuring the independence, impartiality, objectivity and transparency of Arbitrators and Arbitration Councils; (v) Principles of language used; and (vi) Privacy principles.

The above principles of Economic Dispute Resolution also partly demonstrate the basic principles that form the foundation for the process of resolving economic disputes by arbitration. However, because there are no separate regulations on the principles of resolving economic disputes by arbitration, current Lao law does not clearly demonstrate a number of specific principles that underlie the arbitration process, at the same time, also demonstrates its own inherent advantages such as: Principle of respecting the agreements of the disputing parties; the principle of jurisdiction or the principle that an arbitral award is final. These principles, to some extent, have also been expressed indirectly through the regulations on arbitration proceedings in Chapter 5, Part II of this Law.

2.2.2. Regulations on arbitration agreements

In the Law on Economic Dispute Resolution 2018, the definition and issues related to arbitration agreements are not regulated separately as a separate article or chapter, but are integrated into the content of a number of relevant regulations (Clause 1, Article 16, Clause 3, Article 19). The way this form of arbitration agreement is regulated by Lao law is different from the Model Law and the laws of countries around the world. Through studying these regulations and comparing them with the Model Law and the laws of some countries, we find that:

***First**, regarding the concept of "arbitration agreement":* Contrary to international and other countries' laws, Laos's current law, although it also requires prerequisites for using the Economic Dispute Resolution method In arbitration, there must be an agreement between the parties, but the term *"Arbitration Agreement"* is not used but only refers to the general term "*Economic Dispute Resolution Agreement*", but there is no definition of this term. This can lead to incorrect understanding of legal provisions as well as failure to ensure uniformity and consistency in practical application.

***Second,** the time of making an arbitration agreement* is not specifically regulated by the 2018 Law on Economic Dispute Resolution of Laos. Based on the provisions in Clause 1, Article 16, and Clause 3, Article 19 of the Law on Economic Dispute Resolution 2018, the time for making an arbitration agreement in Lao law is also similar to the laws of other countries, possibly is made at two times: before a dispute occurs or after a dispute occurs. The lack of a specific regulation on when an agreement is made will first of all make it difficult for competent entities to determine the authority and scope of dispute resolution. Next, this will affect the The rights of the parties in the dispute when they need to use arbitration to resolve the dispute for themselves, while it is not determined when the arbitration agreement will be established that will be approved by the arbitration agency.

***Third,** the form of the arbitration agreement* is also indirectly regulated through the provisions of Clause 1, Article 16 of the Law on Economic Dispute Resolution 2018, accordingly, the form of the arbitration agreement depends on "*contractual agreement*" or *"dispute resolution proposal"*. The lack of a specific, clear regulation on the form of arbitration agreements in Lao law has led to the following problems: (i) It is difficult to determine the form of the arbitration agreement; (ii) Difficult to determine the criteria of text form; (iii) The mandatory arbitration agreement along with the arbitration clause in the contract in the request for dispute resolution by arbitration does not ensure the rights of the disputing parties and the request for resolving economic disputes in the context of globalization.

2.2.3. Regulations on arbitration's authority to resolve economic disputes

In Lao PDR, disputes falling under the jurisdiction of the Economic Dispute Resolution Agency by arbitration are "*economic disputes*". Researching regulations on "economic disputes" under the jurisdiction of dispute resolution by arbitration, the author found some of the following issues:

First, economic disputes are stipulated in Article 2 of the Law on Economic Dispute Resolution 2018, accordingly, there are 03 criteria to determine economic disputes: (i) The subject of the dispute is domestic and foreign individuals, legal entities, and organizations; (ii) The content of the dispute is a conflict of interest and (iii) The cause is due to violation of economic contracts or business activities. In comparison, it can be seen that Lao law's regulations on limiting the scope of disputes under the jurisdiction of arbitration have some similarities with Vietnamese law. However, if we compare the actual scope of this economic dispute, the limit of disputes resolved by arbitration in Laos is narrower than other countries.

Second, not all economic disputes will be resolved in arbitration but must ensure certain conditions specified in Article 16 of the Law on Economic Dispute Resolution 2018, including: (i) Disputes that the disputing parties have agreed upon in the contract or jointly proposed to resolve (ie the disputing parties agree to choose an Economic Dispute Resolution agency to resolve that dispute by arbitration); (ii) This dispute is not a dispute that is being handled, resolved by the People's Court or has been adjudicated by the Court; (iii) This dispute is not related to national security, social security, public order or the environment. This condition (iii) is causing certain difficulties for the Economic Dispute Resolution agency in determining dispute resolution authority.

Third, the division of authority between economic dispute resolution agencies by arbitration between the Center for Economic Dispute Resolution (CEDR) under the Ministry of Justice of Laos and the Office for Economic Dispute Resolution (OEDR)) under the Department of Justice of provinces and capitals: The 2018 Law on Economic Dispute Resolution has not yet resolved the question: What value and nature of economic disputes can be resolved at the Center? which economic disputes are resolved at the Office? The consequence of this regulation is that there is no uniform application to determine the authority of the Center and the Office for Economic Dispute Resolution to resolve disputes by arbitration, leading to backlogs to a central agency instead of resolving it at the grassroots level.

2.2.4. Regulations on arbitration forms and Arbitrators

2.2.4.1. Form of arbitration

The current law of Lao PDR does not have specific regulations on the form of arbitration. However, considering the current regulations of the Law on Economic Dispute Resolution 2018, the form of ad hoc arbitration is not recognized. Current regulations seem to be suitable for the form of institutional arbitration (with fixed headquarters and separate working regulations). However, with the current regulations of the Law on Economic Dispute Resolution 2018, considering the Economic Dispute Resolution agency (Centre, Office for Economic Dispute Resolution) as an arbitration body is very forced. If compared with an arbitration center, there are clearly many contents that these agencies cannot meet. For example, the legal status of arbitration as a dispute resolution organization must in principle be a private institution - a socio-professional organization. Meanwhile, the Center and Office for Economic Dispute Resolution of Laos are state-owned public service agencies operating under the management of the judicial sector, funded by the state budget. The power of agencies must first be state power assigned by the State, not "representative power"

delegated by the parties. If these Economic Dispute Resolution agencies are viewed as regulatory arbitration, it goes against the nature of arbitration organizations.

2.2.4.2. Arbitrator

In Laos today, the agency competent to resolve economic disputes by arbitration is an agency within the state apparatus, therefore, Arbitrators in this agency are appointed with "hard" standards set by the Government. The law, specifically the Law on Economic Dispute Resolution 2018, stipulates. According to Article 63 of this Law, a person who wants to become an Arbitrator must meet the following standards: "(1) Have good qualities, be ethical and honest; (2) Have certain knowledge and skills suitable for the position held with at least a law college degree; (3) Have at least 10 years of experience; (4) Have never been sentenced to prison for an intentional crime by the Court; (5) Participated in training on Economic Dispute Resolution; (6) Have good health to undertake the job." In comparison, Laos' regulations on Arbitrator standards have some similarities with other countries' laws and international practices related to the professional qualifications and candidate's work experience. The author believes that Arbitrator standards in current conditions are still quite reasonable. However, if considered in relation to the issues of the public's legal awareness and the professional level of Arbitrator candidates, the standards become Arbitration in Laos can be an obstacle in the effort to ensure high quality of the Arbitrator team in the context of the country's rapid economic development in this new period.

Arbitrators are paid according to regulations and have obligations in Article 68 of the Law on Economic Dispute Resolution 2018. Through this regulation, it shows that, like other countries, Lao law stipulates rights and responsibilities that the Arbitrator needs to do during the Dispute Resolution process to ensure accurate, fair, objective and effective Dispute Resolution results.

2.2.5. Regulations on the order and procedures for resolving economic disputes by arbitration

Originating from the conditions of human resources as well as the legal status of the agency competent to resolve economic disputes by arbitration, Lao law has approached the direction of building a process for resolving economic disputes by arbitration is also the basis for consistent application in the process of resolving economic disputes by arbitration at economic dispute resolution agencies. This is similar to the economic dispute resolution activities of the Court (Economic Court), which must be based on the provisions of the 2012 Civil Procedure Law.

The time limit for arbitration proceedings is calculated from the date of appointment of the Arbitrator or Arbitration Council. Within 03 months from the date of appointment of Arbitrator and establishment of Arbitration Council, the process of resolving economic disputes by arbitration must be completed. If compared with the time limit for trying economic cases at the Economic Court, it can be seen that the time for resolving disputes by arbitration is (theoretically) much shorter, contributing to reducing money and public costs. Ensuring timely business requirements has become an outstanding advantage of arbitration, attracting the attention of Lao businessmen when choosing a method to resolve economic disputes in the current context.

Currently, the order and procedures for resolving economic disputes by arbitration are specified in Chapter 3 and Chapter 5, Part II of the Law on Economic Dispute Resolution 2018, including 05 steps:

Step 1: Submit a request for Economic Dispute Resolution: The process of submitting and reviewing the request for Economic Dispute Resolution is carried out in accordance with the provisions from Article 17 to Article 24 of the Law on Economic Dispute Resolution this year. 2018. When studying the regulations at this step, the author found that Lao lawmakers have consulted and absorbed regulations related to the *"competence-competence"* of the arbitrators in the Model Law and the laws of some countries and apply it in accordance with the characteristics of the economic dispute resolution mechanism by arbitration in Laos.

Step 2: Select an Arbitrator to resolve economic disputes: After accepting the dispute dossier, the Economic Dispute Resolution agency will send a List of Arbitrators to the disputing parties to select an Arbitrator. The parties have the right to choose one or a group of three arbitrators (Article 35 of the Law on Economic Dispute Resolution 2018). Laos's current regulations on the number of Arbitrators selected to resolve disputes have a clear change compared to the previous 2010 law and show an approach to the provisions of the Model Law as well as the laws of other countries in the world.

Step 3: Research documents and collect information and evidence to resolve economic disputes (Article 23, Article 38, Article 40 of the Law on Economic Dispute Resolution 2018)

Step 4: Request to apply temporary emergency measures to secure assets (Article 41 of the Law on Economic Dispute Resolution 2018).

Step 5: Organize a meeting to resolve economic disputes and issue a decision (Article 39, Article 42, Article 43, Article 45 of the Law on Economic Dispute Resolution 2018). An important point to note is that with the flexible nature of the proceedings and the spirit of respecting the parties' right to self-determination, throughout the Dispute Resolution process until the Arbitration Council issues a decision, resolution, the disputing parties still have the right to negotiate and agree with each other to resolve the dispute. An Agreement (outside of litigation) of the parties before the arbitration decision is considered the result of Economic Dispute Resolution and is also effective as an arbitration award. According to the principle of one-time proceedings, the arbitration award is final and takes effect from the date of publication or from the date the disputing parties are notified of the award. The disputing parties are obliged to implement the judgment unless it is annulled by the Court. However, the 2018 Law on Economic Dispute Resolution still creates conditions for parties to request amendments, supplements or objections to judgments (Article 46, Article 47), ensuring the results of Economic Dispute Resolution. Based entirely on the will and aspirations of the parties, in accordance with the "representative power" that the disputing parties give to the arbitrator.

2.2.6. Regulations on court support for arbitration proceedings

Although Lao law has an exceptional nuance when the competent authority using arbitration to resolve economic disputes is located within the state apparatus, Lao lawmakers still try to absorb it. The spirit of the Model Law on the Court's support for arbitration activities, translated into national law, creates a legal basis for that relationship.

However, due to the relationship and legal status of the Court and the Economic Dispute Resolution Agency, the content of the Court's support for arbitration activities in Laos is quite narrow, including:

First, *the Court assists in applying temporary emergency measures to ensure property security.*

Second, *the Court resolves complaints of disputing parties opposing the ruling of the Council in the cases specified in* Article 47 of the Law on Economic Dispute Resolution 2018. While considering the ruling, the Court only confirms clarifying legal issues related to the arbitration agreement and arbitration proceedings, not considering the merits of the case. The approach to the scope of the Court's jurisdiction in reviewing Laos' arbitral award is quite similar to that of countries with civil law legal systems and countries receiving the Model Law.

Third, *the Court supports the enforcement of the arbitrator's Economic Dispute Resolution award in case the parties do not voluntarily execute it.*

Thus, the 2018 Law on Economic Dispute Resolution has basically clarified the organic relationship between Courts and arbitrators, however, if compared with the Model Law and the laws of other countries, there are still some issues. Other support content is considered necessary to overcome difficulties and help the arbitrator operate more smoothly and effectively, such as supporting the parties in collecting evidence during the proceedings in the case of a jury. The arbitrator has applied necessary measures to collect evidence but is still unable to collect itself; assist in summoning witnesses to meetings of the Arbitral Council in cases where witnesses have been duly summoned but do not come to the meeting without a legitimate reason or their absence causes obstructions for Dispute Resolution... …is still "left unclosed".

2.3. Practical application of the law on resolving economic disputes by arbitration in the Lao People's Democratic Republic

2.3.1. Introduction to Economic Dispute Resolution Bodies in the Lao People's Democratic Republic

In Lao PDR, economic dispute resolution by arbitration is carried out mainly at the Economic Dispute Resolution Agency - a unit under the Ministry of Justice, including:

- Center for Economic Disputes Resolution (“The Center for Economic Disputes Resolution” - CEDR). The Center for Economic Dispute Resolution is the leading agency in the system of Economic Dispute Resolution agencies in Laos, a business unit directly under and headquartered at the Ministry of Justice, Vientiane capital.

- Offices for Economic Disputes Resolution (“The Offices for Economic Disputes Resolution” - OEDR) under the Provincial Departments of Justice. As of December 2022, 12 Economic Dispute Resolution Offices have been established in the capital Vientiane and the provinces.

**** Regarding personnel:*** The current list of mediators and arbitrators has grown rapidly in number with 258 Arbitrators (including 13 Arbitrators who are foreigners), an increase of nearly 5 times, 5 times compared to 2015. The professional level of the Arbitrator team is higher than that of Lao civil servants. Arbitrators with master's degrees or higher are mostly trained and certified in countries that have educational and judicial cooperation relations with Laos such as Vietnam, China, Russia, Japan... creating good staff helps resolve economic disputes effectively and improve the effectiveness of applying the law in practice.

2.3.2. Results of resolving economic disputes by arbitration

First, *the number of economic disputes required to be resolved by arbitration at Economic Dispute Resolution agencies tends to increase:*

Table 2.2. Number of economic disputes requested to be resolved by arbitration at Lao Economic Dispute Resolution agencies in the period 2011 - 2021 *(Unit: Department)*

	2011	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
CEDR	25	25	13	16	21	29	37	40	42	49	51
OEDR	12	10	8	11	13	14	12	24	25	21	22
Total	**37**	**35**	**21**	**27**	**34**	**43**	**49**	**64**	**67**	**70**	**73**

Second, *the structure of economic disputes is resolved by Arbitration at the Center and Economic Dispute Resolution Offices.*

Table 2.3. Number of economic disputes requested to be resolved at the Center for Economic Dispute Resolution (CEDR) in the period 2011 - 2021 *(Unit: Department)*

		2011	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
Status of the disputes												
1	*Outstanding disputes*	7	6	6	4	5	7	6	5	5	7	8
2	*New disputes*	18	19	7	12	16	22	31	35	37	42	43
According to the subject												
1	*Domestic subjects*	13	14	7	8	7	12	17	19	19	24	23
2	*Foreign subjects*	12	11	6	8	14	17	20	21	23	25	28
Situation of resolution												
Number of cases accepted		18	19	7	14	17	26	31	32	37	42	46
1	*Domestic cases*	11	14	4	10	6	14	14	15	16	19	20
2	*Foreign cases*	7	5	3	4	11	12	17	17	21	23	26
Return to the parties sent to the Court		6	2	3	2	1	0	2	6	2	2	2
Returned to the parties (due to not meeting the conditions in		1	4	3	0	3	3	4	2	3	4	3

Article 16)										
TOTAL	**25**	**25**	**13**	**16**	**21**	**29**	**37**	**40**	**42**	**49**	**51**

Table 2.4. Number of economic disputes requested to be resolved at the Office for Economic Dispute Resolution (OEDR) in the period 2011 - 2021 *(Unit: Department)*

		2011	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**
Status of the disputes												
1	*Outstanding disputes*	6	2	2	4	7	5	4	5	7	11	6
2	*New disputes*	6	8	6	7	6	9	8	19	18	10	16
According to the subject												
1	*Domestic subject*	10	8	5	7	12	10	8	19	20	15	15
2	*Foreign subject*	2	2	3	4	1	4	4	5	5	6	7
Situation of resolution												
Number of cases accepted		10	8	8	10	10	12	10	18	22	19	21
1	*Domestic cases*	9	6	7	9	10	11	9	16	20	14	15
2	*Foreign element cases*	1	2	1	1	0	1	1	2	2	5	6
Return to the parties sent to the Court		2	2	0	1	2	4	2	1	2	1	0
Return to the parties (not meet the conditions in Article 16)		0	1	0	0	1	0	0	3	1	1	1
TOTAL		**12**	**10**	**8**	**11**	**13**	**14**	**12**	**24**	**25**	**21**	**22**

Third, *the quality of economic dispute resolution by arbitration at economic dispute resolution agencies has gradually improved and developed. The average time to resolve a dispute by arbitration has also improved significantly.*

Fourth, *economic dispute resolution activities by arbitration of Economic Dispute Resolution agencies have received support and supervision from the Court (Provincial and Capital Economic Court) in many aspects, typically, applying temporary emergency measures to secure assets; resolving a request to annul an arbitration award.*

2.3.3. Limitations and problems in the practical application of the law on resolving economic disputes by Arbitration and their causes

2.3.3.I. Limitations and problems in practice

First, the number of economic disputes required to be resolved by arbitration is still not very satisfactory. During the entire 10-year period (2011 - 2021), the total number of cases requiring arbitration at Lao Economic Dispute Resolution agencies only reached about 1% of the total number of economic disputes accepted and resolved by the courts. Even at the Economic Dispute Resolution agency, disputing parties still tend to use mediation.

Second, *there is also confusion on the part of the grassroots economic dispute resolution agency regarding newly arising disputes.*

Third, *the resolution of cases related to changes in the subjective capacity of the disputing parties is still confused and inconsistent due to lack of legal basis.*

Fourth, *the quality of economic dispute resolution by arbitration at Laos' Economic Dispute Resolution Agencies is still not guaranteed, leading to arbitration awards still being annulled.* According to statistics, out of 211 arbitral awards issued, there were 15 cases with requests to cancel the awards (mainly issued by Offices), of which up to 10 cases were accepted by the Court to be annulled (accounting for 66.6% of cases with requests to cancel judgments). If compared with the number of judgments issued, especially by the Offices, this is not a small number. This makes not only *the business community and traders confused, but also the Arbitrators themselves.*

Fifth, *the implementation of recent arbitral awards in Laos has not yet achieved the desired effect.* In particular, in cases where the party obligated to enforce the arbitration award deliberately avoids the obligation to enforce the award, it has taken advantage of the right to object to the arbitration award.

Sixth, the Court's support for economic dispute resolution arbitration activities in recent times has also revealed certain inadequacies due to some judges' lack of experience in resolving requests. requests relating to arbitration proceedings. Besides, in supporting judgment enforcement, the procedures to enforce arbitration awards by judgment enforcement agencies (under the Court) are still cumbersome.

2.3.3.2. Causes of limitations and problems in practice

First, *the first reason is the limitation in legal provisions leading to ineffectiveness in the operations of Economic Dispute Resolution Agencies* (as analyzed in subsection 2.2). Considering the root cause of the limitations in the law, the law governing economic dispute resolution by arbitration is not an arbitration law built on the basis of the Model Law. Next, since its establishment until now, the legal status of the agency competent to resolve economic disputes by arbitration has not changed, being a state agency. The lack of a separate law governing arbitration based on the Model Law as well as the failure to place arbitration in the correct position of a non-governmental judicial body has caused certain limitations and *"it will take a long time for Lao law on arbitration to keep up with the development of international law on arbitration".*

Second, *subjective reasons from the Economic Dispute Resolution Agency and Arbitrators can include:*

- The Economic Dispute Resolution agencies themselves are not an arbitration organization, therefore, the activities of these agencies are not really clear and effective as expected for the arbitration method. Furthermore, Economic Dispute Resolution agencies and Arbitrators must be responsible to the superior agency that appointed them, leading to the inability to contain independent elements like a private adjudication agency.

- Some Arbitrators are still not fully equipped with legal knowledge on Economic Dispute Resolution, and the selection of Arbitrators based on legal regulations is still not strict, causing Arbitrators to selected are not really those with much experience in Dispute Resolution. This has led to the quality of arbitral awards still not being guaranteed.

- State management of the activities of economic dispute resolution agencies, including dispute resolution by arbitration, has not been given due attention and has not fully promoted the responsibilities of the State. me.

Third, the cultural and psychological traditions of the multi-ethnic Lao people, when disputes arise, have always negotiated and reconciled themselves, but rarely choose to resolve disputes through economic dispute courts or resolution agencies. Furthermore, the method of resolving economic disputes by arbitration is still quite "new" and has not yet created the habit and confidence of using arbitration in resolving disputes.

CHAPTER 3

ORIENTATION AND SOLUTIONS TO COMPLETE THE LAW AND IMPROVE THE EFFECTIVENESS OF APPLYING THE LAW ON ECONOMIC DISPUTE RESOLUTION BY ARBITRATION OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

3.1. Orientation for improving Lao law on resolving economic disputes by arbitration

First, perfecting the law on economic dispute resolution by arbitration must ensure the institutionalization of the guiding views of the Lao Party and State.

Second, perfecting Lao law on economic dispute resolution by arbitration must be placed in the general development strategy of the Lao judiciary.

Third, perfecting Lao law on resolving economic disputes by arbitration must ensure that arbitration is established as a non-governmental method of resolving economic disputes.

Fourth, perfecting Lao law on economic dispute resolution by arbitration must ensure compatibility with international arbitration law and arbitration law of countries around the world. Furthermore, with the impact of the Fourth Industrial Revolution, the need to build a legal framework for economic dispute resolution using online arbitration also needs to be set as an inevitable trend.

Fifth, the improvement of Lao law on economic dispute resolution by arbitration must also take into account the compatibility with the characteristics of Lao business practices.

3.2. Some solutions to improve Lao law on resolving economic disputes by arbitration

In this subsection, the author will propose two groups of short-term and long-term solutions, which are: amending and supplementing current legal regulations on resolving economic disputes by arbitration; and, develop an arbitration law. Specifically:

3.2.1. Amending and supplementing current legal regulations on resolving economic disputes by arbitration

3.2.1.1. on the form of arbitration and the legal status of agencies with the right to resolve economic disputes by arbitration

a. Basis for proposed solution:

First, the theoretical and legal basis: (i) The legal basis for the organization and operation of arbitration is the Law on Economic Dispute Resolution, not based on the provisions of the Model Law of international arbitration; (ii) Theoretically, dispute resolution by arbitration is an optional resolution method, the arbitrator's power originates from the "contractual power" or "representative power" exercised by the entrusted and delegated by disputing parties, meanwhile, Laos' arbitration model is associated with state power, contrary to the nature of the arbitration method.

Second, practical basis: (i) Practice shows that no case of dispute resolution by arbitration has been carried out; (ii) The legal status of the Center and the Economic Dispute Resolution Offices (which, according to legal experts, is similar to regulatory arbitration) is currently considered "*not a friendly referee*"; (iii) Looking at the development process of Vietnam's commercial market has shown the need to separate from the current Government arbitration model of Laos.

b. Specific solutions:

First, add specific laws on forms of arbitration, including Statutory Arbitration and Ad Hoc Arbitration.

Second, *for the Center and Office for Economic Dispute Resolution (as a regulatory arbitration agency):* Lao lawmakers need to boldly amend Article 59 of the current Economic Dispute Resolution Law on the legal status of these agencies in the direction of: Converting Economic Dispute Resolution Centers and Offices from their status as agencies under the state apparatus (under the Ministry of Justice, Department of Justice provinces, capitals) as at present, to the status of social-professional organizations as Vietnam and many countries around the world have done. Only then can the independence and private jurisdiction of the arbitrator truly be guaranteed.

3.2.1.2. Regarding the arbitration agreement

a. Basis for proposed solution:

First, the theoretical and legal basis: (i) The arbitration agreement is a very important document that establishes the authority of the arbitrator; (ii) Regulations on arbitration agreements are a general trend; (iii) The provisions of the 2018 Law on Economic Dispute Resolution of Laos make the interpretation of arbitration agreements "inferential", not meeting the requirements of the work of developing legal documents.

Second, practical basis: Limitations in the law have led to limitations in applying this regulation in practice. Research shows that many unresolved disputes stem from problems in the provisions of arbitration agreements.

b. Specific solutions:

First, *add regulations on "arbitration agreement"* and the time of making the arbitration agreement at the position immediately after Article 34 of the Law on Economic Dispute Resolution 2018 as follows: *"The arbitration agreement is the basis for disputes to be resolved by arbitration, which may be established before or after the dispute arises".*

Second, *clearly stipulate the form of the arbitration agreement.* In addition, there should be specific guidance on the form of the arbitration agreement and the connotation of the concept of the form of an arbitration agreement in the form of "written" and other forms equivalent to "written" documents. other".

Third, *add a number of issues related to arbitration agreements based on learning from international experience:* (i) Supplementing the validity of the arbitration agreement in case of change in the subject capacity of one or more parties to the arbitration agreement; (ii) Adding independence to the arbitration agreement.

3.2.1.3. on the arbitration's authority to resolve economic disputes

a. Basis for proposed solution:

Firstly, the theoretical and legal basis: (i) The authority to resolve disputes by arbitration is limited to cases that the law allows arbitration to resolve; (i) Lao Economic Dispute Resolution Agencies are state agencies, between the authority of the Central Economic Dispute Resolution Center and the local Economic Dispute Resolution Offices must be clarify and separate, including professional and general management aspects.

Second, practical basis: (i) This practical need requires expanding the scope of disputes that can be resolved by arbitration (and conciliation) in the Law on Dispute Resolution. resolve economic disputes; (ii) Practice shows that due to the lack of separation of authority in Economic Dispute Resolution, the Economic Dispute Resolution Center is overloaded, and the time to resolve disputes is prolonged due to having to wait for Meanwhile, ordinary economic disputes of a simple nature can be resolved at the Provincial and Capital Offices.

b. Specific solutions:

Firstly, amend Article 2 of the 2018 Law on Economic Dispute Resolution in the direction of further expanding the scope of disputes under the jurisdiction of dispute resolution by arbitration. And to facilitate arbitration activities, it is possible to consider the plan to determine the arbitrator's jurisdiction to resolve disputes by the exclusion method, which means listing types of disputes that do not fall under the arbitrator's jurisdiction, including: including disputes related to public order, public interests or some disputes related to personal rights (personal rights), marriage and family, etc.

Second, in case the Economic Dispute Resolution agencies continue to be placed within the apparatus of the Ministry of Justice, it is necessary to amend Article 60 and Article 61 of the current Law on Economic Dispute Resolution in the direction of delimitation. Clearly clarify the economic dispute resolution authority of the Economic Dispute Resolution Center and the Economic Dispute

Resolution Office in the province and capital through describing signs of disputes, including: *(i) Description describe the complex nature of the dispute; (ii) Description of the serious consequences of the dispute on security and economic development; (iii) Value of dispute.*

3.2.1.4. Regarding the order and procedures for resolving economic disputes by arbitration

a. Basis for proposed solution:

First, theoretical and legal basis: Under the impact of the Fourth Industrial Revolution, resolving economic disputes using online arbitration is an inevitable trend, developing very rapidly and in parallel. with traditional arbitration. Arbitration laws in most countries around the world and regulations of arbitration centers and international organizations have been accepting electronic arbitration.

Second, practical basis: In Laos, the development of e-commerce, the use of computers, mobile phones, internet connections... and the context of an outbreak of epidemics lead to urgent needs. Developing an online dispute resolution platform that is broad enough and effective enough to be applied in both e-commerce and traditional commerce environments.

b. Specific solutions:

The Law on Economic Dispute Resolution is currently one of the main and most important legal documents regulating arbitration in Laos. Therefore, regulations on online arbitration can be issued as amendments and supplements to the current Law on Economic Dispute Resolution. In particular, lawmakers need to consider a number of issues related to electronic arbitration agreements/clauses; Electronic Signature; electronic media and communication; principles, order and procedures for conducting online arbitration; electronic arbitration venue; electronic notification obligations; information security issues; the issue of enforcement of electronic arbitration awards... However, in cases where the Dispute Resolution Act only recognizes the most fundamental and basic issues for online arbitration, detailed regulations can be issued as a Government Decree to guide the amended Law.

3.2.1.5. Court's support for arbitration proceedings

a. Basis for proposed solution:

First, the theoretical and legal basis: (i) The Court's support for arbitration proceedings is a historical and indispensable relationship in ensuring the effective operation of the institution. referee; (ii) The scope of the Court's support for the arbitration dispute resolution process under the 2018 Economic Dispute Resolution Law is still limited. At the same time, the provisions on requests to cancel arbitration awards are controversial and have the risk of violating the legitimate rights and interests of the disputing parties; (iii) Arbitration laws in most countries provide for the Court's support and supervision of arbitration activities.

Second, practical basis: Through quick interviews with a number of officials in the Center for Economic Dispute Resolution, it is shown that: The Court's support for arbitration activities is still weak; Support time is still slow; Some activities need support from the Court because the Center's human resources are still thin but there is no legal basis such as support for collecting evidence and support for summoning witnesses.

b. Specific solutions:

First, *add the Court's support authority for some arbitration proceedings:* (i) Add the Court's support authority in collecting evidence; (ii) Adding the Court's authority to assist in summoning witnesses to arbitration meetings; (iii) Adding the Court's supporting authority in establishing the Arbitration Council.

Second, *amend and supplement regulations related to requests to protest against arbitration awards*, such as adding regulations on providing evidence to prove objections, and regulations on forcing compensation for damages in cases of "abuse" of the right to protest; Supplement regulations on monitoring and handling the annulment of arbitral awards by the Court to minimize the possibility of an arbitral award being annulled due to arbitrariness or possibly due to mistakes of the judge, causing damage to the disputing party.

3.2.2. Plan to develop a law on arbitration

a. Basis for proposed solution:

First, the theoretical and legal basis: (i) The legal basis for the organization and operation of arbitration is based on a separate law, built and referenced on the basis of the Model Law to create uniformity. unity between international law and national law; (ii) The 2018 Economic Dispute Resolution Law is not a document built on the foundation of the Model Law. Therefore, there are unavoidable differences and are not close to the provisions of International Law as well as the majority of laws of other countries, especially not placing arbitration in its proper position as a non-governmental jurisdiction.

Second, practical basis: Currently, Lao PDR is implementing the policy of deep international economic integration, participating in the world's "big playground" and is forcing businesses and state agencies to Laos must face and get used to the "*culture*" of arbitration. The importance and urgency of building a separate law on arbitration has gradually been clearly recognized by the Lao Party and State and is in the process of laying the first "bricks" for this roadmap.

b. Specific solution: From the theoretical and practical basis, as well as applying learning from your country's experience to the current model of Laos to realize that the promulgated Arbitration Law not only has important significance in clearly defining and returning the true concept of the essence of arbitration activities, but also as a condition to help arbitration activities become more professional in practice. Because as a professional law, there will be more space to regulate in more detail and meticulousness the organization and operation of arbitration and related issues. This will help arbitration activities be carried out more conveniently and effectively in practice without encountering problems due to the ambiguity of the law.

3.3. Some solutions to improve the effectiveness of applying the law on resolving economic disputes by arbitration in the Lao People's Democratic Republic

Based on the assessment of the practice of dispute resolution by arbitration in Laos in recent times, in the immediate context, the current mechanism system for resolving economic disputes in Laos by arbitration must still be transparent. Through the Center and Offices for Economic Dispute Resolution - professional agencies of state agencies, a number of solutions to improve the effectiveness of applying the law on Economic Dispute Resolution by Arbitration in Laos in the near future are proposed as follows:

3.3.1. Ensuring the quantity and enhancing the quality of the team of Arbitrators

In the context that the team of Arbitrators is still located in state agencies as at present, ensuring the quantity and enhancing the quality of the team of Arbitrators at the Center and Economic Dispute Resolution Offices is being carried out. through the following solutions: *First,* ensure the number of Arbitrators at the Center and Economic Dispute Resolution Offices through improving staff recruitment. *Second,* enhance the quality of the Arbitrator team through training, fostering and improving professional qualifications and professional skills. *Third,* governing agencies must increase management and supervision mechanisms for the activities of Economic Dispute Resolution Centers and Offices through periodic and irregular inspections to grasp the situation. promptly detect and remove difficulties and obstacles in practical activities and strictly handle violations of the law and professional ethics of Arbitrators.

3.3.2. Establishment of the National Arbitrators Association

In the near future, it is necessary to consider the establishment of a National Arbitration Association - an organization that gathers Arbitrators in the List of Arbitrators of the Ministry of Justice. Instead of the Ministry of Justice currently being the governing body for Arbitrators, the National Arbitration Association will take on this role. The National Arbitration Association is a public service unit under the Ministry of Justice, gradually adopting a mechanism of operational autonomy and revenue autonomy. This is a transformational step to create conditions for the future construction of non-governmental arbitration centers in Laos. The National Arbitration Association will play a key role in specializing and professionalizing arbitration activities, through the development and promulgation of a Code of Professional Ethics for Arbitrators, and be the focal point for organizing training. Create and foster the professional capacity of the team of Arbitrators. The Arbitrators Association acts as a connecting agency with training organizations (domestic and foreign law schools) and foreign international arbitration centers to improve the qualifications of the team of arbitrators to meet international standards and norms.

3.3.3. Improve the effectiveness of the Court's support activities in the dispute resolution process at arbitration

Firstly, it is necessary to build a team of judges with in-depth knowledge in the field of Arbitration, especially in the capital Vientiane and key industrial development provinces.

Second, it is necessary to raise judges' awareness of supporting dispute resolution in arbitration.

3.3.4. Strengthen propaganda to create a change in awareness and increase trust in the arbitration method

To strengthen propaganda and dissemination of laws to the people, especially traders and businesses on arbitration, the Center for Economic Dispute Resolution at the central level must be the presiding agency, bringing launched a Project on propagating and disseminating legal knowledge on Economic Dispute Resolution, providing the most basic legal framework on Economic Dispute Resolution by arbitration. Based on the Center's Project, the Economic Dispute Resolution Offices in the provinces and capitals prepare plans to implement the project in each specific period with specific implementation plans suitable for the locality. In particular, it is important to first highlight the advantages of the arbitration method such as flexibility, speed, security... to create a first impression, build and strengthen the trust of the subjects to the arbitration method, helping to eliminate the gap of doubt between business entities, correctly understanding the

nature and choosing arbitration as the optimal solution to protect their legitimate rights and interests.

CONCLUSION

Through researching the topic, the author has achieved the following results:

- Resolving economic disputes by arbitration is a dispute resolution method that appeared very early and is currently used quite commonly in the world, especially in countries with developed market economies. Associated with the birth and development of arbitration is the law governing the issue of economic dispute resolution on arbitration. Most countries today have built legal frameworks for using arbitration as an effective method to resolve disputes.

- In order to ensure the legitimate rights and interests of the parties participating in economic relations, the Lao PDR has recognized the legal value of resolving economic disputes by arbitration and considers this to be one of two methods. Alternative Economic Dispute Resolution. In general, the provisions of the Law on Economic Dispute Resolution 2018 have created a basic legal framework for arbitration activities in resolving economic disputes, but there are still many limitations, especially when setting in comparison with the Model Law and some countries around the world. Learning about economic dispute resolution activities by arbitration in Laos allows discovering inadequacies and limitations require solutions to continue improving the legal system and improving the effectiveness of applying the law on this issue.

- The improvement of the law on resolving economic disputes by arbitration must be based on certain viewpoints and orientations, in particular, ensuring that arbitration is built into a non-arbitral method of resolving economic disputes, in accordance with international law and practice. From there, ***the first and most important solution proposed is that lawmakers need to boldly transform the Economic Dispute Resolution Centers and Offices from their position as agencies under the state administrative apparatu. to the position of a social-professional organization. Only then will arbitration be placed in its rightful position as a non-governmental method of resolving economic disputes.***

- In addition to perfecting the law on economic dispute resolution by arbitration, ensuring conditions to improve the effectiveness of applying the law on economic dispute resolution in practice in Laos also needs to be put in place. In the immediate context, a number of proposed solutions include: Ensuring the quantity and enhancing the quality of the team of Arbitrators; Establishment of the National Arbitrators Association; improve the effectiveness of the Court's support activities for the dispute resolution process at arbitration; and, strengthen the propaganda about the superiority of the arbitration method, creating a positive change in the awareness and trust of people and businesses rely on the effectiveness of this superior dispute resolution method./.

LIST OF THE AUTHOR'S WORKS
RELATED TO THE THESIS THAT HAVE BEEN PUBLISHED

1. Saisamone VORAVONGSA (2021), “Legal provisions of the Lao People's Democratic Republic on the authority of commercial arbitrators in resolving economic disputes”, *International Conference on Law in the Age of Industrial Revolution The fourth industrialization and international integration*, December 23, 2021, pp.536-552.
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