

# WORKSHOP ON INTERNATIONAL CONSTRUCTION DISPUTES IN VIETNAM

## Practical tips on claims and disputes

Hanoi, Vietnam | 06 Oct 2023 (Friday)

### SPEAKERS



**Mr. VU ANH DUONG**  
Permanent Vice President  
cum Secretary General of  
Vietnam International  
Arbitration Centre (VIAC)



**Mr. NGUYEN BAC THUY**  
Head of Economics of Investment &  
Construction Contracts, Department of  
Construction Economics at Ministry of  
Construction, VIAC Listed Arbitrator  
Member of Executive Committee of SCLVN



**Mr. DAVID KIM**  
Senior Foreign Attorney  
Chair of International  
Construction Dispute Resolution  
Practice Group of Lee & Ko



**Ms. HUNYANG KOO**  
Partner,  
Lee & Ko



**Mr. LE BA THANH CHUNG**  
Managing Partner  
at Construction Law  
Vietnam Counsellors (CLVN),  
VIAC Listed Arbitrator



**Ms. VU THI HANG**  
Deputy Director  
of VIAC Secretariat

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**Session 01:**  
Overview & Substantive  
Discussions – Experience/strategies  
in construction disputes in Vietnam

**Session 02:**  
Disputes arising from international  
construction contracts – Looking at  
effective countermeasures



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# INTRODUCTION

In the realm of global infrastructure development, construction disputes are a persistent challenge that can significantly impact project timelines, budgets, and stakeholder relationships. These disputes can arise from disagreements or conflicts between stakeholders in construction projects including a multitude of factors such as design flaws, quality issues, scheduling issues, payment disputes, and regulatory complexities etc. As construction projects continue to expand in complexity and scope, the demand for effective strategies in managing legal risks and resolving disputes becomes increasingly imperative.

With the aim of providing participants with invaluable insights, experiences, and strategies for managing construction disputes within Vietnam and on an international stage, the Vietnam International Arbitration Centre (VIAC) in collaboration with the Korea Chamber of Commerce and Industry in Vietnam (KOCHAM) and Lee & Ko law firm organizes the workshop titled "**International construction disputes in Vietnam – Practical tips on claims and disputes**".

## TENTATIVE AGENDA

Time (AM)	Contents
8.00 – 8.20	Registration
8.20 – 8.40	<p><b>Opening remark</b></p> <p>Mr. Vu Tien Loc – Chairman and President of Vietnam International Arbitration Centre (VIAC) Mr. Hong Sun – Chairman of Korea Chamber of Business in Vietnam (KOCHAM)</p>
<b>Session 01: Overview &amp; Substantive Discussions</b> – Experience/strategies in construction disputes in Vietnam	
8.40 – 9.00	<p><b>Brief regulatory overview of construction contracts &amp; some key notes for foreign contractors</b></p> <p>Mr. Nguyen Bac Thuy – Head of Economics of Investment and Construction Contracts, Department of Construction Economics – Ministry of Construction, VIAC Listed Arbitrator</p>
9.00 – 9.30	<p><b>Practical tips and notes for contractors in handling international construction arbitration</b></p> <p>Mr. David Kim – Senior Foreign Attorney/Chair of International Construction Dispute Resolution Practice Group of Lee &amp; Ko; and Ms. Hyunyang Koo – Partner at Lee &amp; Ko</p>
9.30 – 10.00	<p><b>Discussion</b></p> <p>Moderator: Mr. Vu Anh Duong – Permanent Vice President cum Secretary General of VIAC</p>
10.00 – 10.15	Tea break
<b>Session 02: Disputes arising from international construction contracts</b> – Looking at effective countermeasures	
10.15 – 10.35	<p><b>Tiered dispute resolution clauses in International Construction Contracts: The right approach?</b></p> <p>Mr. Le Ba Thanh Chung – PhD Candidate, Managing Partner at Construction Law Vietnam Counsellors (CLVN), VIAC Listed Arbitrator</p>
10.35 – 10.55	<p><b>International arbitration proceedings for construction disputes in Vietnam</b></p> <p>Ms. Vu Thi Hang – Deputy Director of VIAC Secretariat</p>
10.55 – 11.45	<p><b>Discussion</b></p> <p>Moderator: Mr. Vu Anh Duong – Permanent Vice President cum Secretary General of VIAC</p>
11.45	<p><b>Closing remark</b></p> <p>Lee &amp; Ko's Representative</p>

# SPEAKERS

## MR. VU ANH DUONG

**Permanent Vice President cum Secretary General  
of Vietnam International Arbitration Centre (VIAC)**



As the Secretary General of VIAC, Duong Vu is in charge of supervising all arbitrations administering activities at VIAC, ensuring the efficiency, compliance, and integrity of the procedures under the VIAC Rules.

Duong has been actively participating in various activities to promote the development of arbitration and ADR in Vietnam. Further, with his practical experiences, Duong has been positively contributing to the law-making process, especially those in the field of arbitration and ADRs. Duong was a member of the Drafting Boards and Editorial Teams of many fundamental laws and rules such as the 2003 Ordinance on Commercial Arbitration, the 2010 Law on Commercial Arbitration, the 2015 Decree on Commercial Mediation, the 2015 Civil Code, VIAC's Rules version of 2004, 2012 & 2017, VMC's Rules of Mediation, Arbitrator's Code of Ethics etc. In addition to practice, Duong also devotes himself to educational activities. In particular, Duong has given lectures on commercial arbitration and contract at a number of law schools and training institutions such as the Judicial Academy, VCCI, the Vietnam Bar Federation, etc.

In the capacity of an arbitrator, Duong has served in numerous arbitrations in different roles, either co-arbitrator, sole arbitrator or presiding arbitrator. His participation concerns diverse areas of dispute, including sales of goods, construction, insurance, leasing, etc.

## MR. NGUYEN BAC THUY

**Head of Economics of Investment and Construction Contracts -  
Department of Construction Economics - Ministry of Construction,  
VIAC Listed Arbitrator, Member of Executive Committee of Society  
of Construction Law - Viet Nam (SCLVN)**



Mr. Nguyen Bac Thuy has more than 20 years of experience in construction and has been proactively involved in legal aspects of construction investment in Vietnam. Prior to being Head of Economics of Investment and Construction Contracts at Department of Construction Economics of Ministry of Construction, Mr. Thuy held certain positions in construction companies of corporations such as the Airport Construction Corporation of Vietnam Airlines, Bank Construction Company - State Bank of Vietnam. Throughout his career, he has gained knowledge and expertise in construction investment regulations, construction bidding, finance in construction, and construction contracts.

Besides his experiences in construction projects, Mr. Thuy also engaged in research and drafting policy proposals to governmental entities relating to construction economics and urban economics management and construction contracts, methods of controlling construction cost, and calculating construction estimates to integrate into the region and the world economy. He was also a member of the Editorial Team and took part in certain legislation projects, such as the 2014 Law on Construction, the 2014 Law on Public Investment, the 2013 Law on Bidding, the 2020 Law on Public Private Partnership, etc. According to his practices in construction, he sat on several arbitral tribunals in construction disputes at the Vietnam International Arbitration Centre (VIAC).

# SPEAKERS

## MR. DAVID KIM

### Senior Foreign Attorney/Chair of International Construction Dispute Resolution Practice Group of Lee & Ko



As a senior foreign attorney in Lee & Ko's International Arbitration Team, David Kim is especially highly regarded for his expertise and extensive experience in assisting clients with a broad range of international arbitration matters. Mr. Kim is also Chair of the firm's International Construction Dispute Resolution Practice Group.

Mr. Kim's experience in international arbitration matters includes, among other things, acting as legal counsel for many different clients in various arbitration cases before the ICC, SIAC, ICSID, HKIAC, KCAB, and LCIA, as well as in ad-hoc arbitrations under the UNCITRAL rules. He has represented multinational corporations, government entities, contractors, and high-profile individuals in numerous commercial disputes related to construction, shipping, military contracts, energy and natural resources, telecommunications, intellectual property, and investor-state matters. Prior to commencing his professional work in 2008 as an arbitration lawyer in Korea, Mr. Kim worked as a litigator in Canada.

Mr. Kim has also served as an adjunct professor at the Judicial Research and Training Institute of the Supreme Court of Korea, as well as serving as a member of the Council for International Arbitration of the Korean Commercial Arbitration Board (KCAB) and as a sessional lecturer at the KCAB.

Additionally, Mr. Kim is the Co-Coordinator for the Young ICCA Mentorship Programme.

## MS. HYUNYANG KOO

### Partner at Lee & Ko



As a member of Lee & Ko's International Arbitration Team, Hyunyang Koo handles a broad range of international arbitration and cross-border litigation matters involving international construction, software license agreements, military projects, international sports-related disputes, distributorship agreements, etc. Prior to joining Lee & Ko in 2016, she worked at Samsung C&T legal team (international construction), where she handled legal affairs and advice regarding various offshore construction contracts in Australia, North America, South-East Asia, and Middle East. In Lee & Ko, her main area of practice includes international arbitration cases at leading arbitral institutions such as ICC, LCIA, KCAB, SHIAC, CAS as well as ad hoc arbitrations and cross-border litigations.

Ms Koo is also an active member of the international arbitration society and has been appointed as a member of the YSIAC Council, Regional Ambassador for HK45 and a member of Steering Committee for Young MCIA.

# SPEAKERS

## MR. LE BA THANH CHUNG

**PhD Candidate, Managing Partner at  
Construction Law Vietnam Counsellors (CLVN), VIAC Listed Arbitrator**



Mr. Chung Le is a Managing Partner at Construction Law Vietnam Counsellors (CLVN) and VIAC Listed Arbitrator. He has 20 years of experience as a lawyer practicing in Vietnam and other jurisdictions. Mr. Chung Le is a lawyer member of the Vietnam Bar Federation, the New York State Bar Association, and the U.S. Supreme Court Bar. He also holds an LLM degree from Duke University – School of Law and an MBA degree from the Chamber of Commerce and Industry of Paris (CCI Paris). Since 2020, he has been pursuing a Doctor of Legal Science (SJD) degree at Duke University – School of Law.

Mr. Chung Le has acted as a legal adviser in highly significant country-changing infrastructure and energy projects, namely a USD 9 billion refinery and petrochemical project, several complex electrifications, liquefied natural gas (LNG) projects, and several coal-fired power projects in Vietnam. In dispute resolution practice, Mr. Chung Le has acted as an expert witness, represented clients as a counsel, and sat in arbitral tribunals at VIAC and the Singapore International Arbitration Centre (SIAC).

## MS. VU THI HANG

**Deputy Director of VIAC Secretariat**



In nearly a decade working at Vietnam International Arbitration Centre (VIAC), Ms. Hang has participated in coordinating, managing arbitration cases at VIAC while contributed greatly to training activities as well as professional activities for arbitrators at VIAC.

As a member of VIAC's Science Council, Ms. Hang has participated in research activities of the Council, directly attending to comment on legal documents regulating commercial and arbitration activities in Vietnam (the Civil Code, Commercial Law, Enterprise Law, Law on Commercial Arbitration, etc.).

From integration perspective, Ms. Hang is in charge of international cooperation activities regarding arbitration and ADRs methods, coordinating cooperation activities with VIAC's international partners focusing on raising the awareness of public on ADRs, enhancing knowledge and experience of ADRs users in Vietnam, and promoting commercial arbitration as well as other ADRs in Vietnam collectively.

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## WORKSHOP ON

# INTERNATIONAL CONSTRUCTION DISPUTES IN VIETNAM:

## Practical tips on claims and disputes



8.00 – 11.45 AM | 6th October 2023 (Friday)



Conference Emerald Room, 6th Floor Lotte Hotel Hanoi, No. 54 Lieu Giai, Cong Vi ward, Ba Dinh district, Hanoi, Vietnam



Vietnamese and Korean simultaneously



For more information and registration, please contact: Ms. **Huong Pham**  
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