

VDB | *Loi*

MYANMAR ARBITRATION UPDATE

26 SEPTEMBER 2019, LIVE WEBINAR EVENT

Yangon: 1.00pm | Bangkok: 1.30pm |
Singapore, Hong Kong, Malaysia: 2.30pm | Seoul, Tokyo: 3.30pm

Duration: 45 mins

Live Webinar Event

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VDB Loi proudly sponsors Myanmar Mixed Martial Art Champion Phoe Thaw.

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Myanmar's landscape of commercial disputes was shook up in 2016 with the new Arbitration Law. But how has the practice on the ground evolved? Are courts generally referring to arbitration when required? Is the Supreme Court following the Arbitration Law? Are foreign awards or judgements recognized in Myanmar, in reality? This briefing available only on live webinar, analyses the arbitration developments of the ground from a practical perspective by means of a short series of case studies.



PROGRAM

How do Myanmar courts interpret and apply a foreign arbitration clause/agreement?

- Conditions under Myanmar law to invoke an arbitration clause or agreement: how do they match with the current procedure of the courts?
- Practical experiences: at which time does the party have to invoke the referral to arbitration in a Myanmar court proceeding? Interpretation and practical problems.
- Practical experiences seeking a stay before a Myanmar court and referral to foreign arbitration: how have courts reacted?
- How do Myanmar courts interpret arbitration clauses?
- Does an arbitration agreement also bind the parties if a third party is involved in the civil proceedings?
- What has been the position of the lower courts and of the Supreme Court on the arbitration cases so far?

Recognition and enforcement

- How to seek recognition of a foreign arbitration award by a Myanmar court: deadlines, translation, practical challenges
- Practical experiences: how to seek enforcement of a foreign court judgement in Myanmar

Injunctions and interim measures, other issues

- How is a Myanmar court allowed to interfere with a foreign arbitration under the guise of interim measures?
- Practical experiences: seeking an injunction from a Myanmar court despite the existence of foreign arbitration clause/agreement
- How do criminal proceedings in Myanmar interfere with foreign arbitration?

VDB LOI'S DISPUTE SETTLEMENT EXPERIENCE IN MYANMAR

VDB Loi is a leading law and advisory firm in Myanmar, known for its assistance to some of the largest projects and transactions in the country. Our recent assignments include the multibillion US\$ Kyauk Pyo Deep Sea Port and SEZ, the Yangon Elevated Expressway, the ShweLi 3 hydropower dam, the Kanbawk 1,000 MW LNG to Power project, several oil and gas block transactions, the acquisition of a stake in Myanmar banks, insurance companies and telecom companies, the greenfield multibillion US\$ investment by a mobile network operator, and the Thilawa SEZ.

Our firm offers a comprehensive service on commercial and criminal litigation, arbitration (as local counsel) and mediation through a team of foreign and local disputes lawyers working with litigation partners which are all exclusively dedicated to our firm.

In recent years our team has worked on a wide range of dispute matters, including:

- A multi-party shareholder dispute involving civil litigation and arbitration;
- Litigation involving an alleged IP infringement;
- The cross border insolvency of an enterprise in the logistics sector;
- The representation of a foreign embassy in a vehicular manslaughter case involving one of its officials;
- A civil case seeking damages in an aborted acquisition, involving litigation and arbitration;
- A high-profile arbitration between a local partner and a foreign investor in the power sector;
- The collection of various commercial debts;
- Enforcement of security on a bank debt;
- A dispute between a developer and a main contractor with commercial and criminal aspects;
- The enforcement of foreign arbitration awards by a Myanmar court;
- The representation of members of the foreign press in a criminal proceeding;
- Numerous employment disputes.

SPEAKERS



Edwin Vanderbruggen

Senior Partner

Edwin is the senior partner of VDB Loi and a leading foreign legal advisor living in Myanmar since 2012. A frequent advisor to the Government on transactions and privatizations in energy, transportation and telecom, he is widely recognized for his "vast knowledge" (Legal 500) and his ability "to get difficult things through the bureaucracy" (Chambers, 2016). He advises international financial institutions on their largest Myanmar transactions, oil and gas supermajors, a greenfield multi-billion US\$ telecom project and the Japanese Government on the Thilawa SEZ. He assisted two newly licensed foreign banks setup in Myanmar, acted for the sponsor of an 800MUS\$ urban infrastructure PPP project and worked on 6 out of 7 power deals inked in 2016.



Aung Myo Kyaw

Senior Legal Associate

Aung is a Myanmar qualified higher grade pleader, with nearly 10 year experience in commercial, civil and criminal litigation. He holds a bachelor's degree in law and master degrees in maritime law, international law and business law.



Myo Win

Senior Legal Associate

Myo Win is a Myanmar qualified higher grade pleader, legally trained in Myanmar and in France, where he completed master degrees in international and human rights law. As a litigator, he represents our clients in Myanmar courts on a wide range of commercial and criminal disputes.

HOW TO REGISTER AND ATTEND?

This is an online webinar event. To register for the event, please click [HERE](#) or contact **Thiha Zaw** (thiha.zaw@vdb-loi.com), +95 9 773 788 813, +951 925 3752~756. After registration, we will send you an official confirmation with information on how to join the webinar. Our IT Department will also setup the webinar connection one day before the event in coordination with your relevant staff.

WEBINAR STARTING TIMES



Yangon: 1.00pm



Bangkok: 1.30pm



Singapore, Hong Kong,
Malaysia: 2.30pm



Seoul, Tokyo: 3.30pm

PRACTICE TEAMS IN MYANMAR



Edwin Vanderbruggen
Senior Partner



Jean Loi
Managing Partner



Maxim Kobzev
Senior Counsel



My Le
Team Leader
Regulatory Team



Maxim Kobzev
Team Leader
Banking and Finance Team



Charles Magdelaine
Team Leader
Energy and Infrastructure Team



Edith Ruan
Team Leader
Telecom, Media and Technology Team



Anna Makosa
Team Leader
Corporate Commercial & M&A Team



Aye Myat Thu
Team Leader
Real Estate Team



Honey Htun Wai
Team Leader
Taxation Team



Aung Myo Kyaw
Team Leader
Disputes Team

RECOGNITION



Myanmar Tax Firm
of the Year



Most Innovative National
Firm of the Year



Highly Regarded Individuals
of the Year



Leading Firms of
the Year



Leading Individuals of
the Year