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

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