

## **DANG VU MINH HA**

### **Partner**

Ms. Dang Vu Minh Ha is a commercial and maritime expert. Her practice focuses on commercial and maritime arbitration, maritime insurance, all types of shipping dry and wet work including collision, cargo claims, disputes in respect of bills of lading, seaway bills and charter parties, bunker disputes, exercise of liens, ship arrest, insurance policy disputes.

Minh Ha obtained her first degree in law from Diplomatic Academy of Vietnam (DAV) and was ranked among the Top 10 graduates in her class. She got her LL.M in International Commercial Law at School of Law, University of Leicester which seated in Top 20 Law School in the United Kingdom in the year she graduated.

Specializing in International Commercial Law, Minh Ha actively participates in both Shipping and Arbitration & ADR Groups of Dzungsr & Associates LLC. Minh Ha involves in a number of both domestic and international arbitration, not only at Vietnam International Arbitration Centre (VIAC) but also at foreign institutions such as ICC, SIAC, SCMA. The range of her arbitration experience extends to commodity, construction, infrastructure projects, energy, maritime and insurance. She has also assisted foreign clients in recognition and enforcement of many foreign institutional and ad-hoc arbitral awards in Vietnam.

Being well academically trained on carriage of goods by sea during her postgraduate course, Minh Ha is a reliable contact and very responsive to shipping urgent instruction. She gives prompt and helpful advices and practical support to her clients including leading international shipping law firms, P&I and H&M underwriters, foreign shipowners as well as top multinational shipping lines in the world. She is trusted for all types of shipping matters such as ship arrest, limitation of liability, cargo claims, claims arising from bills of lading and charter parties. In 2018, Minh Ha assisted the International Group of P&I Clubs (IG) in seeking for the support of Vietnamese Government in prevention and limitation of unjustifiable ship arrests in a port in the North of Vietnam. She also actively works with the Ministry of Transport and the Vinamarine in improving the Vietnamese legislation related to ship arrest.

Beside the client work, Minh Ha is the co-author of a number of publications on arbitration, mediation and Investor-State Dispute Settlement (ISDS), especially, she has a very critical research on the mechanism of ISDS under the European Vietnam Investment Protection Agreement (EVIPA), which is going to be published in a book of Cambridge University Press. She also contributed to the drafting process of parts of the 2015 Civil Procedure Code of Vietnam related to arbitration and mediation and the Decree No. 22/2017/ND-CP on Commercial Mediation.

**YEARS OF EXPERIENCE** 7

**ACADEMIC AND PROFESSIONAL QUALIFICATIONS**

- LL.B – International Law - Diplomatic Academy of Vietnam
- LL.M – International Commercial Law - University of Leicester (United Kingdom)
- Admitted to Hanoi Bar, Vietnam
- Certificate for participating the PIDA training on international commercial arbitration of ICC, Ho Chi Minh, Vietnam in April 2019.
- Member of Young ICCA [under the auspices of the International Council for Commercial Arbitration (ICCA)].
- Member – Young SIAC [under the auspices of the Singapore International Arbitration Centre (SIAC)]

**LANGUAGE**

- English: Excellent
- Vietnamese: Native

**NOTABLE MATTERS**

**International Commercial Arbitration involving construction, energy, retailers, maritime, aviation and international sale disputes:**

- An ICC arbitration of under USD 500 million involving an oil and gas contract;
- A VIAC arbitration of more than USD 7 million related to a maritime dispute arising from a collision in Vietnam;
- A VIAC arbitration of over USD 100 million involving the construction of one of the tallest and most well-known skyscrapers in Vietnam;
- A VIAC arbitration of USD 10 million dispute between a Korean contractor and its employer, one of the largest state-owned bank in Vietnam;
- A VIAC arbitration related to a construction sub-contract between a Vietnamese corporation and a Malaysian company;
- A VIAC arbitration related to sale and purchase contract of steel scraps between a Vietnamese corporation and a Hong Kong company;
- Several VIAC arbitration regarding a number of sale and

purchase contracts of steel scraps between a British company and a number of Vietnamese companies;

- A VIAC arbitration related to an aviation re-insurance contract between two Vietnamese insurers;
- A SIAC arbitration between a Korean company and a Vietnamese company regarding a share sale-purchase agreement;
- A SIAC arbitration between a Vietnamese trading company and the international seller in a sale contract;
- A SIAC arbitration between a Korean trading company and a Vietnamese buyer arising from a contract for sale and purchase of scrap.
- A SCMA arbitration between a Korean charterer and a Hong Kong shipowner arising from a charter party.

#### **Recognition and Enforcement:**

- Participating in proceedings on recognition and enforcement in Vietnam of a number of English arbitral awards rendered by the International Cotton Association in favour of a Swiss trading group;
- Participating in proceedings on recognition and enforcement in Vietnam of English arbitral awards rendered by the International Cotton Association in favour of a US corporation;
- Participating in proceedings on recognition and enforcement in Vietnam of arbitral awards rendered by the Singapore International Arbitration Centre (SIAC) in favour of a Korea-US Partnership;
- Involving in proceedings on recognition and enforcement in Vietnam of an arbitral award rendered by Singapore International Arbitration Centre (SIAC) in favour of corporation of British Virgin Island (BVI);

#### **Ship Arrest:**

- Assisting Clubs under IG (such as JPI, NoE, WoE, Shipowners, Standards, etc) and their Members in lifting a number of Arrest Orders at the Vietnamese courts;
- Advising the client on the possibility to arrest a luxury yacht in Vietnam;
- Advising the clients on the possibility to arrest a vessel to secure a maritime claim in Vietnam;
- Assisting Vietnamese shipowners in lifting the Arrest Orders against their vessels in other jurisdictions such as India or

Indonesia.

- Assisting foreign clients in arresting foreign vessels calling at Vietnamese ports to secure their maritime claims.

**Cargo claims:**

- Assisting a Slovakian freight forwarder in resolution of the cargo stuck in Vietnamese ports due to the local restrictions on importing scrap;
- Assisting a Korean trading company in dealing with the Vietnamese buyer to resolve the cargo stuck on board a vessel due to local restriction on import of scrap;
- Advising and assisting a number of top leading shipping lines in resolution of cargo abandoned at Vietnamese ports due to the local restrictions on importing scrap.

**Demurrage claims:**

- Advising and supporting an international company in negotiating with the local coal buyer in amicable settlement of the claims on demurrage charges;
- Supporting a Vietnamese shipowners in claiming foreign charterers for demurrage charges arising from the charter parties;
- Advising on the possibility to exercise a lien on cargo to recover the debt arising from demurrage charges.

**Cargo claims:**

- Assisting a Japanese leading underwriter (P&I) and a Korean underwriter (H&M) to settle the claims of local barge owners arising from the collision of a vessel and a local barge;
- Assisting the P&I underwriter and H&M underwriter and the shipowner to settle the claims arising from a collision between a Korean and a Vietnamese vessels near Ho Chi Minh city;
- Assisting a local underwriter in recovery from a foreign underwriter related to the claims arising from a collision between a river cruise and a vessel;
- Assisting an IG Club and the shipowner to negotiate with a local buoy owner to settle their claims and release the vessel after she contacted a buoy in Go Gia river, Ho Chi Minh City;
- Assisting P&I Club and shipowner in dealing with the salvage of a sunken vessel near Ha Tinh Province, Vietnam;
- Assisting local underwriter, its re-insurer and the shipowners in

dealing with the cargo and non-cargo claims arising from the sinking of a local cargo vessel.

- Assisting Club and its Member in an alleged collision claims raised by the local fishermen.

## **PUBLICATION**

- Vietnam Chapter in International Handbook on Commercial Arbitration, ICCA & Kluwer Law International, 2020 (Published) (Co-author);
- Vietnam Chapter on Recognition and Enforcement of Judgments in Civil and Commercial Matters, Anselmo Reyes (ed.), Bloomsbury, 2019, (Co-author);
- Vietnam Chapter in The Asia-Pacific Arbitration Review 2017 of Global Arbitration Review, Law Business Research LTD (UK) (Co-author);
- Vietnam Chapter in Getting the Deal Through – Arbitration 2014 (Published) (Global Arbitration Review), Law Business Research LTD (UK) (Co-author);
- Vietnam Chapter in IBA Arbitration – Country Guides (Co-author);
- Vietnam Chapter in Loukas Mistelis and Laurence Shore, Editors, World Arbitration Reporter 2nd edn (WAR) (Co – author);
- New Supreme Court’s Guidance of Law on Commercial Arbitration of Vietnam – A Pro-arbitration Perspective – published on Arbitration Watch (Co- author);
- The application of liquidated damage in arbitration at the Vietnam International Arbitration Center (VIAC) (Co-author);
- Conflict of interests of arbitrator in arbitral proceedings (Co-author);
- “Vietnam – An Arbitration – Friendly Seat” in Young Arbitration Review (Year 4 – Ed.19) (Co-author)
- “ISDS Reform & The EU–Vietnam Free Trade Agreement: Challenge Accepted!” in Mandev Mohan & Chester Brown, Regulation & Investment Disputes: Asian Perspectives (Cambridge University Press, forthcoming) (co-author);
- “Enforcement of Mediated Settlement Agreements in Vietnam: A Step Forward the International Trend?” published on Young ICCA Blog (co-author);
- “Mediation: An Ideal Solution for International Business Dispute in Vietnam? in January 2019 Issue of Financier Worldwide (co-author)
- Commenting on the Drafts of the Decree on Commercial

Mediation;

- Commenting on the Draft of the Amendment of the Code of Civil Procedure of Vietnam;
- Commenting on the Draft of the Mediation Rules of the Vietnam Mediation Centre (VMC).