



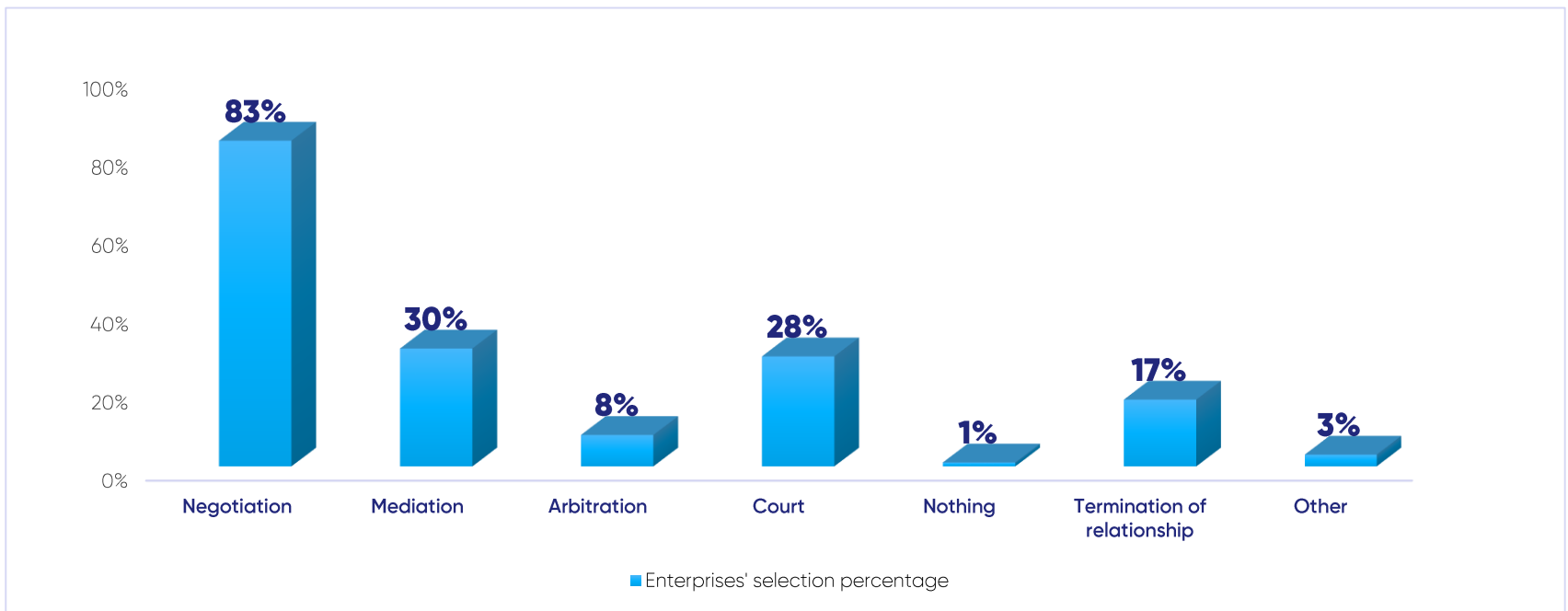
PRACTICE OF CONSTRUCTION DISPUTE RESOLUTION

At Vietnam International Arbitration Center (VIAC)

PHAN TRỌNG ĐẠT

Vice Secretary General of Vietnam International Arbitration Center

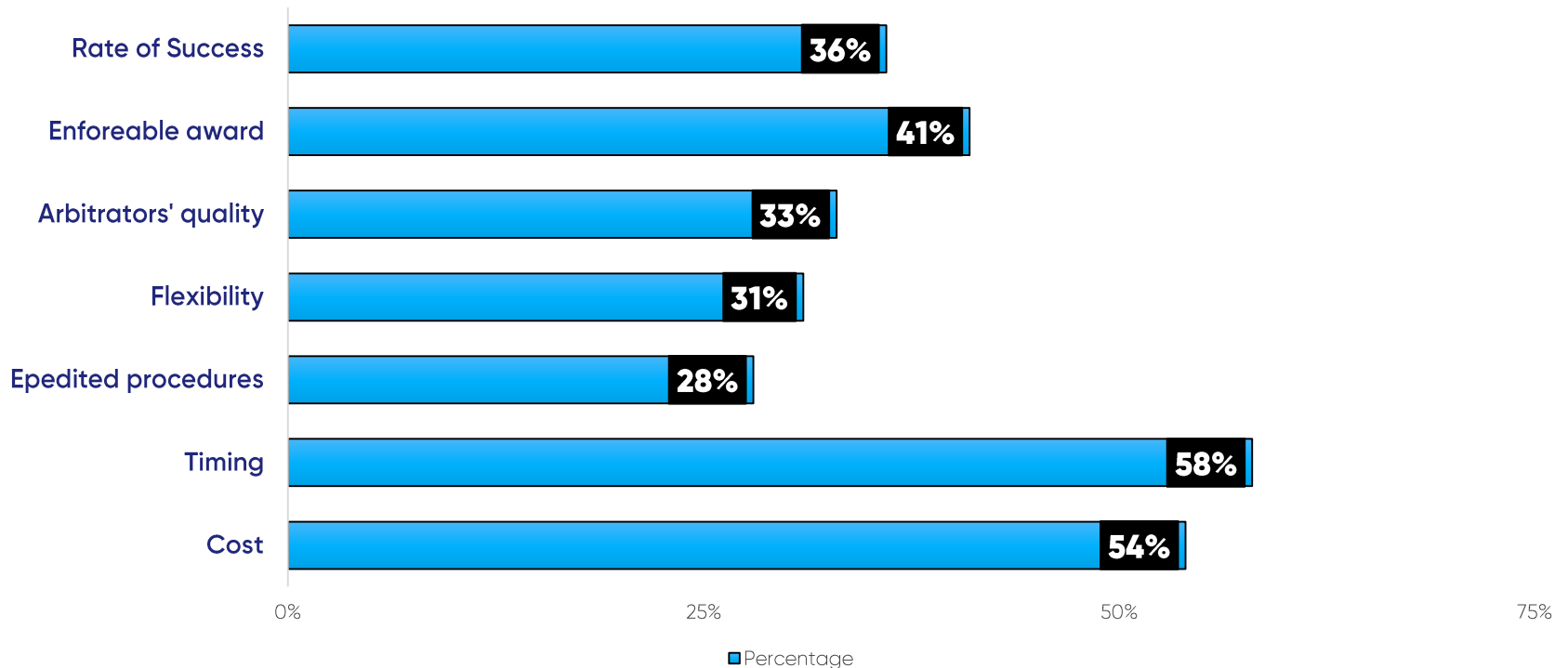
PRACTICE OF CONSTRUCTION DISPUTES IN VIETNAM



Selected methods of construction contract dispute resolution

(source: survey of VIAC and VACC)

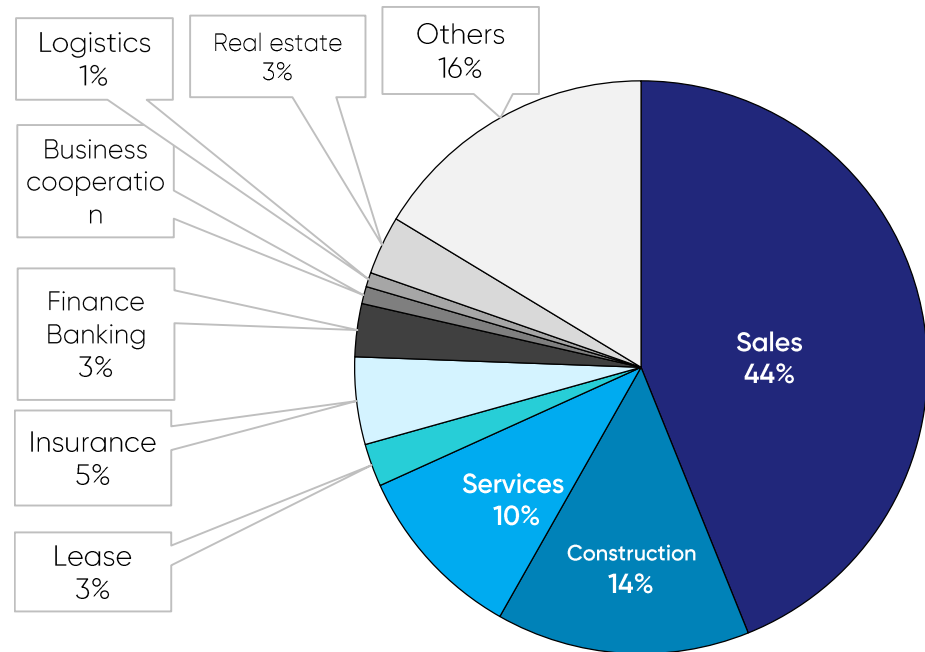
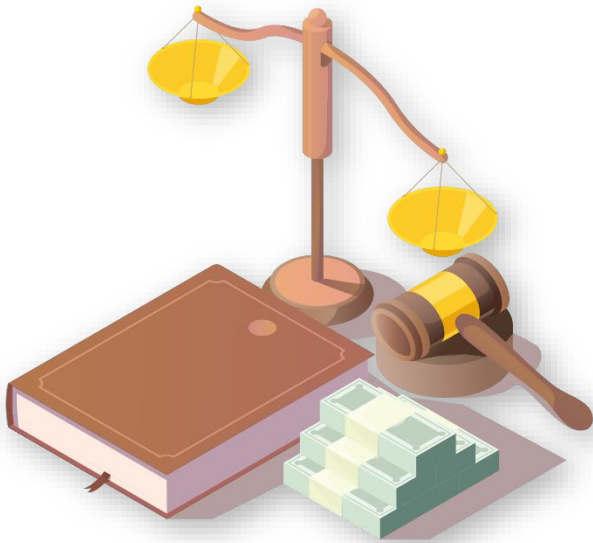
WHAT CONSTRUCTION ENTERPRISES CONSIDER ON SELECTING ARBITRATION



(source: survey of VIAC and VACC)

FIELDS OF DISPUTES AT VIAC

Period of 1993 – 31.05.2020



Total value of disputes:
~ VND 18,000 billion

Average value:
~ VND 90 billion

Highest dispute value:
~ VND 6,000 billion

CONSTRUCTION ARBITRATORS AT VIAC



FEATURES OF DISPUTED CONTRACTS AT VIAC

- 01 Participated by more than one contractor (including foreign contractors)
- 02 Applying international regulations or international contract forms (e.g FIDIC)
- 03 Applying several design standards from different countries
- 04 Having Employers transferred during the implementation

CERTAIN FREQUENT DISPUTE ISSUES



01

Disputes on Employer's delay

04

Disputes on warrantee payment

02

Disputes on Consultant's actions

05

Disputes on material quality

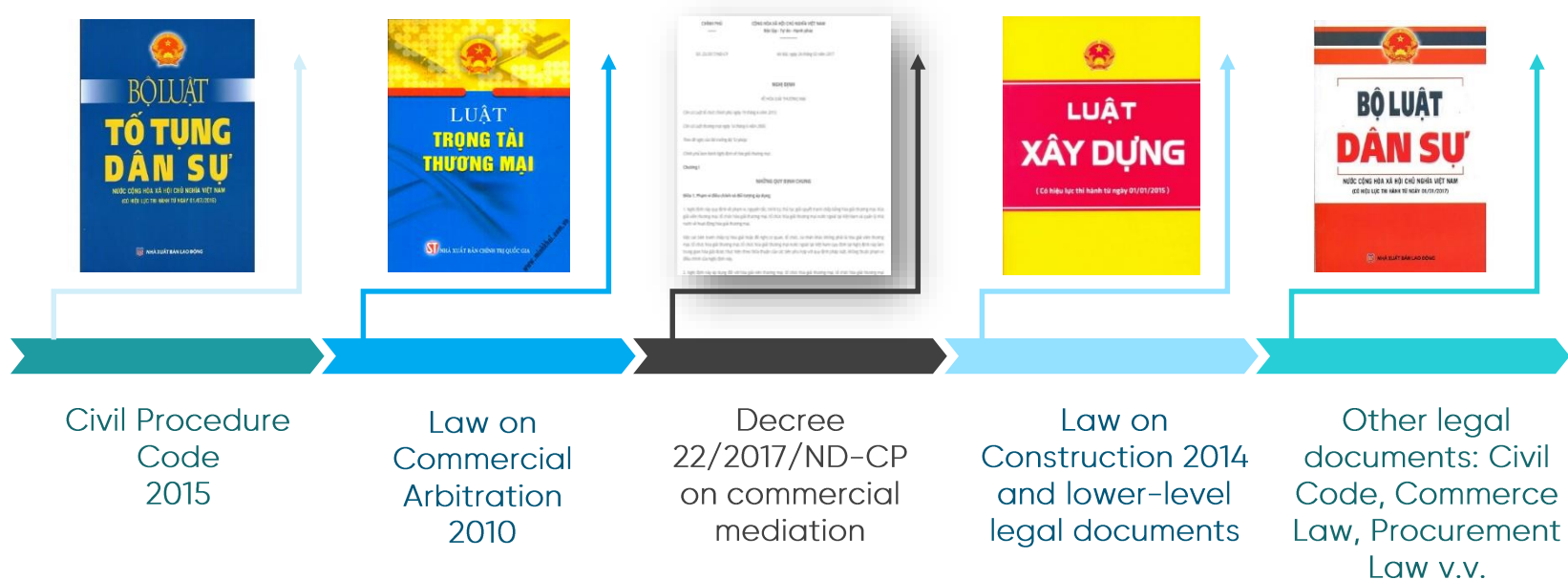
03

Disputes on extension of completion time

02

Changes in policies from the Vietnam authority

LEGAL FRAMEWORK ON CONSTRUCTION CONTRACT DISPUTE RESOLUTION



EXPERIENCE ON CONSTRUCTION DISPUTE SETTLEMENT FOR ENTERPRISES



01

Careful pre-proceedings
preparation

02

Arbitrator Selection

03

Lawyers' participation

04

Expert witness

05

Appropriate strategy for
complicated disputes

MEDIATION

07

VND 940.5 billion
~USD 40.4 million



Construction

cases

Total dispute values

Dispute fields

05/07
cases

Mediators
appointed by
parties

03/07
cases

Participated by
lawyers

05/07
cases

Successfully
mediated and
voluntarily
implemented

02/07
cases

Mediators certified by
CEDR

03/07
cases

Mediation proceedings
executed in foreign
languages (English)



“

Thank you”

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