nhquang&associates

NGUYEN HUNG QUANG

Managing Partner

CEDR Accredited Mediator

President of VICMC

Date of birth: May 23, 1973

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EDUCATION

- MBA (*cum laude*), United Business Institute, Belgium (2006-2007)
- LLB, Hanoi Law University (1991-1996).

AREA OF PRACTICE

Direct & Indirect Investment
Corporate Matter, Merger & Acquisition, Insolvency
Construction & Real Estate
Business
Infrastructure & Public Private Partnership
Insurance
Mineral & Energy
Environment
Human Resource Management & Employment
Internet and New Media
Education & Training
Dispute resolution
Policy Research and Advocacy
Compliance Monitoring

WORK POSITION

2004-present: Founder and Managing Partner
NHQuang&Associates, a Vietnamese law firm established in 2004

2019-present: Founder, President of Vietnam International Center for Commercial Mediation, the first international commercial mediation center in Vietnam

2013-present: Member of the Advisory Board of Transparency International in Viet Nam (Towards Transparency), a Vietnamese non-profit and non-governmental organization (pro-bono).

2012-present: General Director of Viet-Pro Consultants Ltd.

2012-present: Member of Governing Board of the Center for Social Entrepreneurship Development (Spark Center) to help rural businesses, local governments and non-profit organizations to improve their capacities to prosper and scale-up their own solutions and innovations (pro-bono).

1996-2004: Lawyer then Deputy Director
Leadco Legal Counsel, one of the very first law firms in Viet Nam.

MEMBERSHIP

- Viet Nam Business Lawyers Club
- Ha Noi Bar Association
- The Law Association for Asia and the Pacific
- Standing Committee of Vietnam Society of International Law

LANGUAGE

Vietnamese: Native

English: Excellent

ACADEMIC ACTIVITY

- Mediator Skills Training programme of the Centre for Effective Dispute Resolution, London, UK (January 2018)
- Wrongful conviction Program, New York University School of Law, USA (November 2017)
- Visiting scholar, Law School of Melbourne University (2014)
- Guest lecturer, British University of Viet Nam (2014-2015)
- Guest lecturer, Ha Noi Law University for "Advanced Lawyering" course (2014)

RESEARCH EXPERIENCE

- **Report on Good Practices in Court Procedure to Improve Court Integrity, the United Nations Development Program in Viet Nam (UNDP), 2019**

› Acting as the Team Leader of the Project.

› Undertake the desk research report and lead the in-depth survey in 6 courts of all levels (a superior people court, provincial people courts, district-level people courts) in 3 provinces, cities.

› Develop the report on "Good practices on Court procedure to improve court integrity".

- **Paper of "How trust survives in Viet Nam", Melbourne Law School of Melbourne University in Australia, 2019**

› Research and summarize legal issues pertaining to the existence of trust in Vietnamese legal systems (in the field of civil, investment, commercial).

› Develop a Paper of "How trust survive in Viet Nam" focus on the existence of trust in Vietnamese legal systems (in the field of civil, investment, commercial) and recommendations as well as the answer whether Vietnamese legal system need trust or not.

› Present at the "Asia-Pacific Trusts Law Conference" hosted by the Melbourne Law School of Melbourne University in Australia.

› Finalize the Paper

- **Report on Assessment Index of Administrative Procedures Compliance Cost (APCI) 2018 and 2019, Administrative Procedure Control Agency, Office of Government**

› Be the key consultant of the study and responsible for consulting the Office of Government on choosing 8 groups of administrative procedures and building up the methodology of the index.

› Develop the APCI 2018 and 2019 Report

› Provide recommendations for administrative procedure

- Visiting Fellow, Business Law & Taxation Faculty, Monash University, Australia (2008)
- Summer Fellow at Stanford Center on Democracy, Development and Rule of Law (CDDRL), United States of America (2006)
- Visiting Scholar: Law School of Melbourne University (1999-2000)
- Visiting Scholar: Business and Law Faculty, Deakin University (2000)

CONFERENCE

- *How Trust Survives in Vietnam*, presentation at the international seminar "Asia-Pacific Trusts Law: Theory and Practice in Context", University of Melbourne, Australia, 2019
- *Balancing the Roles of Lawyers & Government – Vietnamese experience,* presentation at the international seminar "Lawyers & Access to Justice – Challenging Pro Bono", National University of Singapore (NUS), 2017
- *Some Issues of Contract Law in Vietnam,* presentation at the colloquium "Studies in the Contract Laws of Asia III:

reform for reducing the compliance cost.

- **Project of drafting a Code of Conduct for Insolvency Administrators and supporting the implementation of the Law on Bankruptcy 2014, IFC**
  - › Review relevant documents to familiarize with the current practice and regulatory framework as well as international practice for insolvency administrators
  - › Draft the Code of Conduct for insolvency administrators based on international best practices adapted for the Vietnam context
  - › Assist to organize consultation workshops with key stakeholders as part of the drafting process
  - › Support for developing materials and present the draft Code as well as project comments/views at the workshops
  - › Conduct the report on implementation of the Bankruptcy Law

- **Policy Impact Assessment of the Draft Law on Property Registration supported by USAID and collaborated with National Registration Agency for Secured Transactions, Ministry of Justice**
  - › Assess potential impacts (under facets of economy, gender, administrative procedure and legislation) of drafted policies of the property registration law initiative
  - › Consult the public, academic and relevant stakeholders on the drafted policies of the property registration law/decree initiative
  - › Promote transparency and public consultation in the policy development process
  - › Improve the Technical report "Policy analysis on improving legislations of property registration"

- **Report "Aspiration of Enterprise toward Court's activities on Enforcing contract", USAID-GIG, 2018.**
  - › Act as the National Consultant to conduct surveys/field trips to enterprises, business and local courts to build up a report on assessment and recommendations of private

Contents of Contracts and Unfair Terms", National Taiwan University, Taiwan, September 2016

- *Legal Profession Development and Law Reform in Vietnam,* presentation at the international seminar "Law and Development in China and Vietnam", National University of Singapore, Singapore, 2016
- *Condominium Law and Urban Development in Asia*, presentation at the international symposium at Hong Kong City University, Hong Kong, 2014
- *Access to Counsel in Criminal Mandatory Cases in Vietnam,* Melbourne Law School, Australia, 2014
- *Environmental Protection Law in Vietnam,* presentation at the international workshop "Legal conflicts happen to Korean enterprises in some South Asian countries", Youngsan University, Busan, Korea, 2010
- *Differences of Legal Culture between Korea and Viet Nam to Cause the Labor disputes in Vietnam*, presentation at the international workshop "Legal conflicts happen to

sector on court proceedings towards commercial cases in order for the courts to improve the efficiency of court proceedings towards commercial cases.

- **The Research on Fundraising activities of non-profit organizations in Vietnam (6/2018 – 10/2018)**

› Analyze the legislation of fundraising for NGOs.
› Map out the operational structure and process of implementing administrative procedures that NGOs have to undertaker according to Vietnamese laws
› Develop a report on the operational structure and process of implementing administrative procedures to establish and operating NGO models in Viet Nam, assessing the pros and cons of each model.

- **Project of Drafting 30 years of Vietnam FDI Strategy, Ministry of Planning and Investment (2018–2019)**

› Summarize on the international context of foreign investment an activity of foreign investment in Vietnam through developing periods
› Undertake in-depth research on international investment agreements and mechanisms for dispute settlement
› Develop and submit the Ministry of Planning and Investment a report on accessing the achievements of Viet Nam in the field of FDI and make recommendations for FDI in Viet Nam to be more effective.

- **Project of establishing Systemic Investment Response Mechanism in Vietnam (SIRM) supported by IFC, World Bank, 2018-2020**

› Undertake in-depth research on mechanism handling investment disputes/grievances in Vietnam
› Map out the procedure of handling investor's grievances under Vietnamese legal system
› Prepare presentation for introducing SIRM to Ministry of Planning and Investment
› Propose the new mechanism handling investment disputes/grievances for Vietnamese Government

Korean enterprises in some South Asian countries", Youngsan University, Busan, Korea, 2009.

- *Legal Diffusion: the Role of Non-state Actors in Shaping the Regulatory Environment in Vietnam*, presentation at the international workshop "Legal Development in East Asia: China – Viet Nam Compared" , Monash University (Australia) and Hong Kong University, Hong Kong, 2008
- *Can Private Sector in Viet Nam Aid Democratic Development and the Rule of Law?* Stanford Center on Democracy, Development and the Rule of Law, Stanford, USA, July 2006.
- *Status of Lawyers upon the Spirit of Judicial Reform in Viet Nam – Case of Nam Cam*, presentation at the international conference on "The state of the law and rule of law in post-doi moi Vietnam" – Centre d'Etudes et de Recherches Internationales (CERI), Paris, France, October 2003
- *Independence and Professionalism of Vietnamese Lawyers – Development Signs in Judicial Reform in Vietnam*,

› Consult the SIRM Taskforce about grievances solution for a number of foreign investors, minimizing the possibility of grievances escalating into international disputes between foreign investors and the Vietnamese Government.

› Cooperate with international experts of World Bank to train the members of SIRM Taskforce about skills on handling the grievances, such as legal analysis, economic impact analysis, interview skills.

- **Research "Public – Private Partnership projects in Viet Nam" supported by Asia Foundation, 2017**

› Research into the legal frame work of Public - Private Partnership agreements

› Sum up reports of state agencies on investment activities under Public – Private Partnership agreements

› Develop the final research paper on Public – Private Partnership projects in Viet Nam

- **Policy Impact Assessment (PIA) of the Draft Labor Code (5 policy issues), 2017**.

› Conduct the policy impact assessment of some amended and supplemented contents in the Labor Code. The 5 policy issues include: change of overtime hours; change of regulations on salary scale and employment norm; extension of the right to unilateral termination of contracts; change of the way to determine minimum wage; change of regulation on probation contracts

› Present of policy impact assessment for the Workshop hold by the Ministry of Labor – Invalids and Social Affairs

- **Project of drafting, amending, and commenting on the Law amending Laws on Business and Investment, funded by USAID, in cooperation with the Ministry of Planning and Investment and the Central Institute for Economic Management, 2016**

› Develop the template for assessing the incompatibility between laws while implementing administrative

presentation at the international conference on "Socialism in Asia" – Melbourne Law School and Deakin Law School, Melbourne, Australia, 2003

- *Independence of the Court System of Vietnam*, presentation in two symposiums on "Independence of Judicial System in Asia" – Asian Development Bank – Manila, Philippine, July 2002 and July 2003

PUBLICATION

- **Between authoritarian governance and urban citizenship: Tree-felling protests in Hanoi,** Nguyen Hung Quang and John Gillespie, Urban Studies 2018
- **Chapter 5: General skills of lawyers in providing legal services,** Nguyen Hung Quang & associates, Lawyers' Handbook Volume 1 (handbook on Lawyers and Lawyer practicing), Vietnam Bar Federation, 2017
- **Chapter 4 - Buying and Selling enterprises,** Nguyen Hung Quang et al, Lawyer Handbook volume 3 (skills and knowledge for commercial

procedures of investment projects using land

› Conduct legal review to figure out specific articles that are overlap, conflict and inconsistent between housing laws (including its guiding decrees/circulars, laws on real estate (including its guiding decrees/circulars) with the investment law and identify issues for each figured-out overlap, conflict and inconsistency as well as other legal issues of related administrative procedures and process aspect

- **Regulatory Impact Assessment on the draft of Law on Administrative Decisions, Ministry of Justice and Governance for Inclusive Growth Program (GIG), 2015.**

› Undertake the in-depth research of laws on Administrative Decisions

› Develop the final Impact Assessment on the draft of Law on Administrative Decisions

- **Regulatory Impact Assessment for the draft of Law on Sea Natural Resources and Environment, Ministry of Environment and Natural Resources and UNDP, 2015.**

› Undertake the in-depth research of laws on Law on Sea Natural Resources and Environment

› Develop the final Impact Assessment on the draft of Law on Sea Natural Resources and Environment

- **Justice Index 2015 - Towards a justice system for the people, UNDP Viet Nam - VBA - CECODES, Vietnam, 2015.**

› Conduct the in-depth research

› Formulate the questionnaires

› Develop the report on justice system for the people

- **Public Consultation in Legislative Process in Vietnam,** under Improving the Effective of Public Consultation in the law making Process in Vietnam, National Library and the Asia Foundation, 2014-2015.

law), Vietnam Bar Federation, 2017

- **Chapter 17 - Independence, Impartiality and Integrity of the Judiciary in Vietnam,** Pip. Nicholson and Nguyen Hung Quang, Asia-Pacific Judiciaries, Independence, Impartiality and Integrity, H.P.Lee, Marilyn Pittard (Ed.), Monash University, Victoria, 2018
- **Diagnosis of Viet Nam's economic growth,** Nguyen Hung Quang et al., Central Economic Committee, 2016
- **Justice Index 2015 - Towards a justice system for the people**, UNDP Viet Nam - VBA - CECODES, Vietnam, 2015
- **An Historical Overview of Land Law and Land Disputes in Vietnam,** Nguyen Hung Quang and Toan Le, Resolving Land Disputes in East Asia: Exploring the Limits of Law, Hualing Fu & John Gillespie (Ed), Cambridge University Press, 2014
- **Justice Index - Assessment of Distributive Justice and Equality from a Citizen-based Survey** in 2012, UNDP Viet Nam, 2013.

- **Improvement of Business Environment in Viet Nam under Resolution 19/2014 and 19/2015 of the Government.**
  - Conduct a study for the Central Institute of Economic Management and the Government Office about limitations of laws and implementation practice of bankruptcy and contractual dispute settlement.

- **Assessment of one-year Implementation of Circular 70/2011/TT-BCA and the Regulations on Coordination between the Viet Nam Bar Federation (VBF) and the Supreme People's Procuracy (SPP) under Justice Partnership Program (JPP), 2013**. This assessment has been conducted in 4 provinces, Ha Noi, Ho Chi Minh City, Ca Mau, and Da Nang, 2013.

- **Survey on Current Situation of Promulgation of Administrative Decisions in Vietnam, under the Project "Strengthening Access to Justice and Protection of Rights", sponsored by UNDP Vietnam, chaired by the Administrative and Criminal Law Department, Ministry of Justice, 2013.**
  - Formulate the research outline and draft survey questionnaires
  - Analyze the data collected by the Ministry of Finance
  - Develop the report for the Drafting Committee of the Law on Promulgation of Administrative Decision Project.

- **Assessment of Effectiveness of Reform Administrative Procedures in the Pilot Courts, Judicial Development and Grassroots Engagement Project (JUDGE) of Cooperative Development Authority of Canada and the Supreme People's Court, 2012**
  - Cooperate with associates at NHQuang&Associates to study the reform in the tribunal system by quantitative method to make the model for reforming the procedure of receiving petitions, handling and managing cases.

- **The Right to Counsel in Vietnamese Criminal law and practice,** report for UNDP Viet Nam, 2012
- **Legal diffusion: the role of non-state actors in shaping the regulatory environment in Vietnam**, Nguyen Hung Quang in "Legal Development in East Asia: China – Viet Nam Compared), Routledge Publishing House, Albert Chen and John Gillespie (Ed.), 2010
- **Public-Private Partnership for the Poor,** Nguyen Hung Quang & Tim Dyce, National Politics Publishing House, 2009
- **Needs Of District Courts Nationwide,** Nguyen Hung Quang and the research team, Judicial Publishing House, 2007
- **Lawyers and Prosecutors under Legal Reform in Vietnam: The Problem of Equality,** Nguyen Hung Quang, Vietnam's New Order, International Perspectives on the State and Reform in Vietnam, Stéphanie Balme and Mark Sidel (ed.), 2006
- **Ideology and**

- **Technical Review of Viet Nam Bar Federation – DANIDA (Viet Nam office), 2013.**
  - Assess the current institutional capacity of the Viet Nam Bar Federation (VBF) to fulfill its mandate with respect to effectively manage the operations of the VBF, including financial management of the basket funds to achieve the KRAs set out in Component II and implement the VBF's Strategic Plan.

- **Current Situation of Promulgation of Administrative Decisions in Vietnam, 2013** under the Project "Strengthening Access to Justice and Protection of Rights", sponsored by UNDP Vietnam, chaired by the Administrative and Criminal Law Department, Ministry of Justice. This survey has conducted 6 provinces including Ha Noi, Ho Chi Minh City, Long An, Da Nang, Hung Yen and Hai Phong for qualitative and 300 mail questionnaires for quantitative.

- **Reality of the local Court Governance in Vietnam, under the Project "Strengthening Access to Justice and Protection of Rights", sponsored by UNDP Vietnam, chaired by the Secretariat of Judicial Reform Steering Committee, 2011-2013**. This research assesses the real situation of court administration in Viet Nam through direct interviews and discussions with stakeholders in 6 provinces and mail questionnaire survey over more than 4,000 judges nationwide.

- **Justice Index: Assessment of Distributive Justice and Equality from a Citizen-based Survey, 2012.** This project is coordinated between VLA, CECODES and UNDP, the survey in 63 provinces in Vietnam.

- **Justice Index: Assessment of Distributive Justice and Equality from a Citizen-based Survey, 2012 – 2013**. This project is coordinated between VLA, CECODES and UNDP, under the Project 42690 and Project 58492.

professionalism: the resurgence of the Vietnamese bar, Nguyen Hung Quang and Kerstin Steiner, Asian Socialism and Legal Change – The Dynamics of Vietnamese and Chinese Reform, Australian National University, 2005

- **The Vietnamese Judiciary: The Politics of Appointment and Promotion.** Nguyen Hung Quang & Dr. Penelope (Pip) Nicholson, *Pac Rim Journal of Law and Policy, Volume 14.1, University of Washington,* 2005
- **Notes and Commentaries: New Environmental Protection Regulations and Agreements for Vietnam's Coal Industry.** Nguyen Hung Quang and Dr. Thomas Slocum, Dr. Nguyen Si Quy, *Asia Pacific Journal of Environmental Law, Volume 3, Kluwer Law International Publishing House,* 1998.

› Build up the methodology and structure the research
› Draft the questionnaires and be responsible for monitoring quality of the survey in 21 provinces in Vietnam,
› Develop the final report.

- **Review and Recommendation for Legal Status of Corporate Seal in Vietnam, 2012.** This project is under the Prime Minister's Task Force for Administrative Procedure Reform established under the Prime Minister's Project 30 in coordination with the International Financial Company (IFC).

- **Regulatory Impact Assessment for Mineral Law, Ministry of Environment and Natural Resources, 2010-2011**.

› Undertake the in-depth research on current mineral laws
› Conduct the impact assessment report for the Mineral Law

- **Access to Justice in Vietnam from a People's Perspective - An Updated Survey sponsored by UNDP Vietnam, 2010.**

› Act as the Team Leader to conduct an in-depth-survey over 1,000 people in 6 selected provinces
› Provide the final Report on "Access to Justice in Vietnam from A People's Perspective" which gives assessment of the results of the 2003 Survey, assessment of major changes in economic, political and social conditions that may affect access to justice, assessment of changes in people's perception on access to justice as surveyed; and the development of methodology to measure the status of access to justice through survey of people's perception.

- **Study of Laws governing M&A in Viet Nam – Project 00057741, the Task Force for implementation of the Law on Enterprise and the Law on Investment, 2010**

› Act as the Team leader to study the legal framework for

merger and acquisition of Vietnam

› Recommend some legal changes for promoting the activities in Viet Nam
› Propose recommendations for legal changes to promote M&A activities in Vietnam

- **Administrative Procedure Reform - the Task Force for Administrative Procedure Reform established under the Prime Minister's Project 30 in coordination with the International Financial Company (IFC), 2009 - 2011.**

› Involve in building up the method and methodology for simplifying administrative procedures (method for calculating compliance cost for administrative procedures)
› Undertake training key state officials of the new method for application nationwide.
› Develop pilot assessment of some administrative procedures and formalities as a model for reviewing other administrative procedures (including simplifying licensing procedures in Clean development mechanism (CDM), transportation, advertising, and mining).

- **GIZ/MARD Project "Biodiversity conservation in forestry ecology system in Vietnam" (Phase I: From August 2010 to June 2013).**

› Conduct two studies including (i) Study Of The Legal and Institutional Framework For Biodiversity Conservation and management of conservation areas and specialized forests in Vietnam; and (ii) Assessment of the status quo and legal regulations on functional divisions of conservation areas in Vietnam

- **Global Principles for cooperation in International Bankruptcy cases, American Law Institute & International Insolvency Institute, 2009 - 2010.**

› Study the legal frame of Vietnamese laws on insolvency as the basis for the study of the possibility for cross-national cooperation in settlement of bankruptcy cases.

- **Provincial Justice Index (Justice Module in PAPI) - UNDP and VBA (Project 42690), 2010.**

› Formulate the pilot questionnaires serving the survey of justice module at provincial level in Vietnam.

- **Appointed Counsel in Vietnamese Criminal Law and Practice, VBA under support of Project "Improving capacity of Viet Nam Bar Association" sponsored by UNDP (2010).**

› Conduct a qualitative and quantitative study of the practicing situation

› Undertake in-depth research on the legal basis for lawyers to participate in mandatory case in Viet Nam

- **Review and Recommendation for Consolidation of tax code and business code, 2009**. This project is under the Prime Minister's Task Force for Administrative Procedure Reform established under the Prime Minister's Project 30 in coordination with the International Financial Company (IFC).

- **The Right to Counsel in Vietnamese Criminal Law and Practice – UNDP, 2008-2009.**

› Conduct the survey and collect data

› Develop the report on the right to counsel in Vietnamese Criminal Law and Practice with comparison of international treaties with Vietnam's participation.

- **Assistance to Establish the National and Provincial SME Support Infrastructure, Project TF/VIE/03/001/17-63 of UNIDO and MPI, 2008 - 2009.**

› Study the possibility to apply an electronic database of business registration and enterprise management. The study resulted in the formation of the national portal of business registration and the current online tax declaration system.

- **Legal framework study for Public - Private Partnership**

for the Project "Poverty Reduction through Incorporated Support for Small Enterprise Development" - PRISED VIE/05/M01/SID", SIDA - VCCI 2009.

› Conduct the study and survey in 4 provinces and simplified the cooperation model for public – private partnership and related legal framework
› Prepare the survey report and participate in training the trainers within the project frame
› Support for the completion of training materials and overall report

- **Assessment on the Gender Equality in the Court System and Impact to Human Right Protection, 2008**. This is a survey on all provincial and district courts in Vietnam, DANIDA and Supreme People's Court of Viet Nam.

- **Public-Private Dialogue in Vietnam, Program for the Development of Small and Medium Enterprises: Ministry of Planning and Investment, 2007.** This project contains a survey on all district courts in Vietnam, UNDP. This research was based on field survey of 116 judges at all levels, officers of provincial Communist Party Committees and People's Committees, Fatherland Front Committees, prosecutors and policemen in district level in 9 provinces of Viet Nam and 2,000 mail questionnaires to the judges at district level.

- **Cost Burden Analysis on Administrative Procedures in Commercial Law and Bankruptcy Law,** "Private Sector Development" Programme, Ministry of Planning and Investment and EU, 2005.

- **Review on Current Regulations on Environmental Protection and State Inspection in Vietnam,** under the Project Code No. VIE 52.1/0-A Project of SIDA (SWEDEN) and National Environment Agency: "Strengthening of the Environmental Management Authority of Vietnam" (SEMA), 2003.

- **Review on Legislations relating to environmental protection and mining and agreements for environment protection in Quang Ninh**, under the Project Code No. VIE/95/003: "Reducing Environmental Impacts from Open-Cast Coal Mining", UNDP, 1998.