



7th APCAM WEBINAR Series

Resolving Post-Pandemic Conflicts in the Construction Industry

26 Nov 2021 (Friday) | 3:00 pm to 4:35 pm (Kuala Lumpur time)

This webinar carries 1 CPD point.



*APCAM stands for Asia Pacific Centre for Arbitration & Mediation

Overview

The COVID-19 pandemic has severely impacted the construction sector in Malaysia, spawning multiple disputes that affect various stakeholders in the industry and the economy as a whole, such as main contractors, sub-contractors, suppliers, developers, end buyers, bankers and professional service providers.

With the extension of the Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (Covid-19) Act 2020 ("Temporary Measures Act"), which is due to expire on 31 Dec 2021, disputes are anticipated to spiral and descend into destructive self-preservation and exploitative extraction of benefits, in an adversarial "everyone for themselves" litigation and arbitration frenzy.

Considering that the COVID-19 pandemic and its severity are beyond the control of parties and governments, there is a need to reassess and reallocate the losses and responsibilities that existing contracts have inadequately provided for. The severity of cash flow deficiencies among construction industry players and the shortage of foreign workers amplify the woes of the industry.

Organised by the Malaysian Mediation Centre, this webinar will address these issues in the construction industry and explore possible solutions including contract renegotiations, reallocation of losses and responsibilities, the role of facilitative contract negotiations and mediation and, in the event of business failures, the role of insolvency mediators.

On the upside, multi-party cooperation (with the aid of facilitative contract negotiators and mediators) in resolving disputes in the construction industry holds much potential to stimulate Malaysia's post-pandemic recovery, job creation, and the sector's transformation towards sustainability and digitalisation.

The topics that will be discussed are as follows:

- Resolving Conflicts and Rebalancing Stakeholder Interests in the Malaysian Construction Industry;
- Facilitative Contract Negotiations and Other Alternative Dispute Resolution ("ADR") Solutions; and
- Insolvency Mediation for the Construction Industry.

[Register online here](#)

Speakers

Wolf Von Kumberg

Mediator and Arbitrator, Arbitra (London & Washington)



Wolf Von Kumberg spent nearly 25 years in Zurich and London as European Legal Director and Assistant General Counsel to Northrop Grumman Corporation, a global aerospace / security company. In that position, he was responsible for all international legal affairs. Prior to that, he served as the Vice President - Legal Affairs for Litton Canada, after having spent several years in legal practice with a major Toronto law firm. He retired from Northrop Grumman in 2015 to devote his time fully to mediation and arbitration. He is now a member of international ADR chambers in London - Int Arb Arbitrators & Mediators - based at the Arbitra, with offices in London and Washington DC. Wolf is also the Managing Director of Global Resolution Services, a provider of dispute resolution services; and Registrar General and CEO of the International Dispute Registry, which specialises in mediation capacity building programmes for states.

Jeff Leong

Senior Partner, Jeff Leong, Poon & Wong (Malaysia)



Jeff Leong is the Senior Partner of Jeff Leong, Poon & Wong, Malaysia. He is the Co-Chair of both the Corporate Securities & Investment Committee, and One Belt One Road Committee of The Law Association for Asia and the Pacific ("LAWASIA"). He is the Co-Deputy Chairperson of the Bar Council International Professional Services Committee, and is a mediator with the Malaysian Mediation Centre, International Commercial Mediation Center for the Belt and Road Initiative (China), Benchmark Chambers International & Benchmark International Mediation Center (China), Hangzhou Mediation Center of the China Council for the Promotion of International Trade ("CCPIT") / ("CCOIC"), Asian International Arbitration Centre ("AIAC"), and Hainan International Arbitration Court (China). In private legal practice, he leads a special projects team that structures and runs complex mergers and acquisitions ("M&A") deals; resolves critical problems faced by clients such as crisis management, regulatory investigations, shareholder fights and board tussles; and advises founders, business owners and senior management on business transactions. With over 30 years of experience in initial public offerings ("IPOs") and M&A deals, he is often consulted by clients in shipping and logistics, technology and digital economy, oil and gas, and other heavily regulated industries, on complex, urgent and critical matters.

Kuthubul Zaman Bukhari

Vice President of APCAM; Co-Chairperson of the Malaysian Mediation Centre



Kuthubul Zaman Bukhari has held various positions in the Malaysian Bar and the Bar Council. He was the Secretary of the Malaysian Bar from 2000 to 2002, Vice-President of the Malaysian Bar from 2002 to 2003, and President of the Malaysian Bar and Chairman of the Bar Council from 2003 to 2005. He is currently the Co-Chairperson of the Bar Council Mediation Committee. It was during his time as Chairperson of the Bar Council Arbitration Committee that the initial drafting of the new Arbitration Act, which formed the basis of the new Arbitration Act 2005, was done. Kuthubul Zaman Bukhari was the Chairman of the Asian Mediation Association from 2011 to 2013; he is the current Chairman of the Malaysian Mediation Centre, which was set up by the Bar Council in 1999. He serves as the Chairman of the Malaysia-China Business Mediation Centre, which was jointly set up by the Bar Council and China Council for the Promotion of International Trade ("CCPIT").

Oliver Wee

Deputy President, Master Builders Association Malaysia ("MBAM"); Vice Chairman, IFAWPCA Conditions of Contract Committee



Oliver has been involved in the construction industry for over 35 years, with numerous iconic projects under his local and international employments. With his educational background in economics, Oliver worked his way up from being a quantity surveyor to earning his seat at the C-suite table as a business development director. In the international arena, he is the current Vice Chairman of the Conditions of Contracts Committee of the International Federation of Asian and Western Pacific Contractors' Associations ("IFAWPCA") since 2016. He is also the Ambassador of IFAWPCA to the International Federation of Consulting Engineers ("FIDIC"). He is a Panel Mediator under the Construction Industry Development Board ("CIDB") Malaysia and AIAC Malaysia.

APCAM Webinar on "Resolving Post-Pandemic Conflicts in the Construction Industry"

3:00 pm (Kuala Lumpur time)	Pre-Opening
3:10 pm	Introduction Welcoming Remarks and Opening Statement by Kuthubul Zaman Bukhari Vice President, APCAM; Co-Chairperson, Malaysian Mediation Centre
3:15 pm	Session 1 – "Resolving Conflicts and Rebalancing Stakeholder Interests in the Malaysian Construction Industry" Oliver Wee, Deputy President, MBAM; Vice Chairman, IFAWPCA Conditions of Contract Committee
3:35 pm	Session 2 – "Facilitative Contract Negotiations and Other ADR Solutions" Wolf Von Kumberg, Mediator and Arbitrator, Arbitra (London & Washington)
3:55 pm	Session 3 – "Insolvency Mediation for the Construction Industry" Jeff Leong, Senior Partner, Jeff Leong, Poon & Wong (Malaysia)
4:15 pm	Question-and-Answer Session and Closing Remarks by Kuthubul Zaman Bukhari Vice President, APCAM; Co-Chairperson, Malaysian Mediation Centre
4:35 pm	End of programme

This webinar is free of charge, but **advance registration is required.**

Upon successful registration, a link to the webinar will be emailed to registered participants only. Registration will close on **25 Nov 2021 (Thursday).**

Please note that **no** additional registration will be accepted once the closing date has passed, or if the webinar is full (whichever comes first).

We may not permit future registration if you fail to attend the webinar after registering, unless you provide an acceptable and valid reason(s).

A Step-By-Step Guide to Join a Webinar via Zoom

Webinar via Zoom is an initiative by the Bar Council during the Movement Control Order.

Continue learning even while at home. We're here to inspire you, connect with you and learn with you. This guide will show you how to join a webinar smoothly.

01

For seamless streaming, download the Zoom app.

You will be given a webinar ID and a password to join the webinar once your registration has been confirmed.

04

Please mark your questions only during the Question-and-Answer session.

Please take note that no speaking is allowed when the webinar is taking place.

If you wish to raise a question, please type in the Q&A box and the speaker will respond accordingly.

02

Log in to Zoom, and provide your username.

For Members of the Bar or pupils in chambers, use the format below for identification purposes when prompted: **Full name (as per NRIC) | Bar Council membership number or petition number.**

For non-Members, provide your full name only.

05

Please do not do these

Sharing screen recording and webinar ID and password links, and reproducing the content of the webinar on any platform.

Any unregistered person may be removed without prior notice and no CPD point will be awarded. Failure to adhere to this may result in disciplinary action by the Bar Council.

03

Set up your space.

Find a spot which is comfortable and free from background noises. You may use an earpiece with microphone for clarity. Having a strong internet connection is equally important.



Should you have any enquiries, please contact:

Malaysian Mediation Centre (mmc@malaysianbar.org.my)
Norashikin Kamarudin (norashikin@malaysianbar.org.my)
Md Faizal Mahat (mdfaizal@malaysianbar.org.my)