

VIAC – Questionnaire for Arbitrators

1. Name: Sundra Rajoo

2. Citizenship: Malaysian

3. Contact information:

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4. Current position: President, Asian Institute of Alternate Dispute Resolution (2018 to date).

5. Education: Advocate and Solicitor, Registered Architect and Town Planner, Bachelor of Science (Housing, Building & Planning) Hons (USM); LLB Hons (London); Certificate of Legal Practice; Grad Dip in Architecture (TCAE); Grad Dip in Urban & Regional Planning (TSIT); Master of Science in Construction Law and Arbitration (with Merit) (LMU); Masters of Philosophy in Law (Manchester); Diploma in International Commercial Arbitration (CIArb), Hon LLD (Leeds Beckett). Fellow of the Asian Institute of ADR (FAIADR), Fellow of Malaysian Institute of Arbitrators (FMIArb); Fellow of Indian Council of Arbitration (FICA); Fellow of Royal Institution of Chartered Surveyors (FRICS), United Kingdom; Fellow of the Malaysian Institute of Architects (FPAM); Member of the Malaysian Institute of Town Planners (APPM).

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
Appointed as arbitrator since 1990. Has served as chairman, co-arbitrator of three-man panels and sole arbitrator in over 280 international and domestic arbitrations including ad hoc and institutional arbitrations administered by ICC, SIAC, HKIAC, KIAC, CIETEC, PCA and KLRCA.
- How often have you acted as Chairman?
45
- How often have you acted as Sole Arbitrator?
- How often have you acted as Co-Arbitrator?
40
- How often have you acted as Counsel?
195
- How often have you acted in a different function (e.g. Administrative Secretary)?
Mediator (5), Adjudicator (12), DRB (3)

Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others): Datuk Professor Sundra Rajoo has authored, co-authored, edited several books and contributed chapters and articles on arbitration, contract and construction law, including, *UNCITRAL Model Law & Arbitration Rules* (2019) Sweet & Maxwell; *A Practical Guide to Statutory Adjudication in Malaysia*, 4th Edition, 2018, AIAC; *Law, Practice and Procedure of Arbitration*, 2nd Edition, 2016, Lexis Nexis; *Arbitration in Malaysia: A Practical Guide*, 2016, Sweet & Maxwell; *Construction Law in Malaysia*, 2012, Sweet & Maxwell; *The Malaysian Arbitration Act 2005 (Amended 2011) – An Annotation*, 2013, Lexis Nexis; *The PAM 2006 Form*, 2010, Lexis Nexis; *The Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia*, 2007, Sweet & Maxwell; *The Malaysian Standard Form of Building Contract (The PAM 1998 Form)*, 1999, Malayan Law Journal. He also wrote the chapter on Annulment of Investment Arbitration Awards, *The Investment Treaty Arbitration Review*, 2016 and 2017 edited by Barton Legum, 2nd and 3rd Editions, Law Business Research. He is the Editor-in-Chief of the inaugural issue of *Construction Adjudication Reports* 2018, Sweet & Maxwell. He has written numerous articles in law journals over the years. The most recent articles being "Repeal of Section 42: Question of Law arising out of an award by the amended Arbitration Act (2005)" [2019] 6 MLJ civ" and "Arbitration and its development in Malaysia" [2020] 1 MLJ lv and "Trends in ISDS in the Asia Pacific" [2020] 3 MLJ cxvi. Another articles accepted for publication in 2020 by Malayan Law Journal is "The Asian International Arbitration Centre: Transformation, growth and prospects". Currently, Datuk Professor Sundra Rajoo is working on books on construction law, adjudication and arbitration for publication in 2020 and 2021.

- 7. Membership in arbitral institutions / functions in arbitral institutions/organizations:** Founding President, Asian Institute of Alternate Dispute Resolution (2018 to date); Chartered Arbitrator (CIArb); Certified International ADR Practitioner (AIADR) (2019 to date); Advocate & Solicitor (now Non-Practising); called to the Bar in 2004; Architect registered with the Board of Architects (1985 to date); Town Planner registered Board of Town Planners (1988 to date); Director, Asian International Arbitration Centre (2010- 2018); Chairman, Asian Domain Name Dispute Resolution Centre (2018); Deputy Chairman, FIFA Adjudicatory Chamber (2018); President, Chartered Institute of Arbitrators (2016); President, Asian Pacific Regional Arbitration Group (APRAG)(2011); Founding President, Society of Construction Law Malaysia; Founding President, Malaysian Society of Adjudicators; Founding President, Sports Law Association of Malaysia; Deputy-President of the Malaysian Institute of Arbitrators (1999-2002). Council Member of the Malaysian Institute of Architects for the years 1990-1992,1993-2001 and 2017 to 2018.

KLRCAs was founded in 1978 hosted in Malaysia under the auspices of the Asian African Legal Consultative Organisation (AALCO). It was a somewhat dead and under-utilised institution for over 30 years until Datuk Professor Sundra Rajoo took over in March 2010. The Centre was turned around to become one of the most dynamic and sought after venues with massive increases in the number of arbitrations as well as adjudications as can be seen in alternate dispute resolution case references from a mere 22 arbitration cases in 2010, 52 arbitration cases in 2011, 135 arbitration cases in 2012 (118 domestic and 17 international proceedings), 156 arbitration cases

in 2013 (128 domestic and 28 international proceedings), 282 arbitration cases in 2014 (221 domestic and 61 international proceedings), 103 arbitration cases in 2015, 62 arbitration cases, 12 domain disputes including 8 international cases, 5 domestic mediations in 2016, 126 arbitration cases (109 domestic and 17 international), 6 domain disputes with 2 international cases as well as 2 administered mediations, one of which was international in 2017. The outstanding growth in adjudication cases under the Construction Industry Payment and Adjudication Act 2012 started in 2015 with 84 cases, 207 cases in 2016, 765 cases between 16th April 2017 to 15th April 2018, 764 cases between 16th April 2018 to 15th April 2019.

KLRCA/AIAC developmental and capacity building programmes were planned for the short, medium and long term with enough programmes set out for each year. The total number of persons who have attended its events since 2010 is in excess of 16,000. By 2017, it was organising about 50 events a year. Under his leadership, KLRCA pioneered I-Arbitration Rules in 2012 which won the Global Arbitration Award for innovation, fast track arbitration rules, mediation rules, updated arbitration rules, the latest one being 2018 rules.

As Director, he also set up from scratch the statutory adjudication scheme under the Construction Industry Payment and Adjudication Act 2012 including adjudicator certificate and accreditation programme. New ventures like sports arbitration, maritime arbitration, domain name arbitration, investor state arbitrations were at various stages of development and being readied to come on stream. AIAC moved into dispute avoidance by offering the first standard form building contracts, a first for an arbitration institution. A special website allowed free editable downloads of the contracts anywhere in the world.

KLRCA was during his tenure rebranded to AIAC in 2018.

He is a member of the Expert Advisory Committee of the International Dispute Prevention and Settlement, Beijing Institute of Technology for 2019 to 2022. He is also a member of the International Commercial Expert Committee of the International Commercial Court of the Supreme People's Court of China. He is empaneled on the arbitration panels of the Vienna International Arbitration Centre (VIAC), Chinese International Economic Trade and Arbitration Commission (CIETAC); Beijing Arbitration Commission, Singapore International Arbitration Centre (SIAC); Hong Kong International Arbitration Centre; Beijing Arbitration Commission; Korean Commercial Arbitration Board (KCAB), BANI, Tehran Regional Arbitration Centre (TRAC); Dubai International Arbitration Centre (DIAC), Kigali International Arbitration Centre, Rwanda, Asian International Arbitration Centre (AIAC) (formerly known as Kuala Lumpur Regional Centre for Arbitration (KLRCA)), etc.

Past Approved Course Director of the Diploma in International Commercial Arbitration, Approved Tutor and Examiner for Entry Course for Associate and Assessor and Examiner for Accelerated Member and Fellow grade programmes, Chartered Institute of Arbitrators, England, United Kingdom. Has been Co-Course Director in Entry Level Courses, the Fast Track Programme to Fellowship organised by the Chartered Institute of Arbitrators Malaysia Branch, Diploma in International Commercial Arbitration organised by KLRCA and the Chartered Institute of Arbitrators Malaysia Branch. Approved Course Director for the Asian Institute of ADR.

He is past Visiting Professor at the Faculty of Built Environment, University of Technology Malaysia and the Faculty of Law, National University of Malaysia. He is past Adjunct Professor at the Faculty of Law, University of Malaya and at the School of Housing, Building and Planning, Universiti Sains Malaysia.

Started work with Bank Negara Malaysia in 1979 and left as Head of the Building Division, General Services Department in 1997. Became first full-time arbitrator in Malaysia in 1997 and maintained a practicing certificate as a member of the Malaysian Bar until appointment as Director of KLRCA in 2010. He was conferred the Panglima Jasa Negara which carries the tittle "Datuk" by his Majesty the Malaysian King on the occasion of his Majesty's birthday on June 2nd 2012, for distinguished services and contribution to the state and nation. In July 2015, Datuk Professor Sundra Rajoo was conferred an Honorary Doctorate in Laws from the Leeds Beckett University in England.

8. Languages

Mother tongue: English,

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):

Malay.

9. In which legal systems have you trained?

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other _____

10. What is your main jurisdiction of practice?

Malaysia

11. In which jurisdictions are you admitted to the bar?

Malaysia

12. Special expertise or specializations (please list a maximum of five):

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input checked="" type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Life sciences | <input checked="" type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |

Contract law

Infrastructure

Natural resources

Other _____

13. Date of birth: 3rd January 1956

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

Date

and

Signature