

DATUK PROFESSOR SUNDRA RAJOO

28-1, Medan Setia 2, Damansara Heights, 50490, Kuala Lumpur, Malaysia

T: +603-20962228

F: +603-20962323

Emails: sundra@sundrarajoo.com; info@sundrarajoo.com



Datuk Professor Sundra Rajoo is Managing Director of Sundra Rajoo Arbitration Chambers Sdn Bhd and former Director of the Asian International Arbitration Centre (AIAC), Founding President of Asian Institute of Alternative Dispute Resolution (AiADR) and President of the Chartered Institute of Arbitrators (2016). His roll of honour includes being Founding President of the Society of Construction Law, Malaysia and the Malaysian Society of Adjudicators. He is also the Past President of the Asia Pacific Regional Arbitration Grouping (APRAG), which is a federation of nearly 40 arbitral institutions in the Asia Pacific region.

He is the Chairman of the Expert Advisory Committee of the AIAC's Standard Form of Contracts (SFC). Datuk Professor Sundra Rajoo is also the former Deputy Chairman of the Adjudicatory Chamber of the Ethics Committee of FIFA. He is also the Chairman of the Asian Domain Name Dispute Resolution Centre (2018). He is a member of the Monetary Penalty Review Committee under the Financial Services Act 2013.

Datuk Professor Sundra Rajoo is a Chartered Arbitrator and an Advocate & Solicitor of the High Court of Malaya (non-practising). He is a Professional Architect, Registered Town Planner and a Fellow of the Royal Institution of Chartered Surveyors. He has had numerous appointments as chairman, co-arbitrator of three tribunal panels and sole arbitrator in international and domestic arbitrations. He serves on the panel of numerous international arbitral institutions and organisations.

He is an Adjunct Professor at the Law Faculty of University of Malaya, past visiting Professor at the Faculty of Built Environment, University of Technology Malaysia and the Law Faculty, National University of Malaysia. He has lectured on the Arbitration Law course (2000-2003) offered in the Masters of Law (LLM) Programme at the Faculty of Law, University of Malaya, Kuala Lumpur. He has been a guest lecturer on

arbitration at the Law Faculty, International Islamic University and on the Masters in Contract Management at Universiti Teknologi Malaysia.

He attended the Francis Light and Penang Free School in Penang. After obtaining his first honours degree in Housing, Building and Planning from Universiti Sains Malaysia, Penang in 1979, he started work with Central Bank of Malaysia. He then proceeded to Australia and obtained two professional degrees in Architecture and Town Planning. While working in the Central Bank's Building Division which oversaw the Bank's substantial premises development in the 1980s and early 1990s, he read for a law degree with University of London, England. He obtained the Certificate in Legal Practice and was awarded the Diploma in International Commercial Arbitration from Keble College, Oxford by the Chartered Institute of Arbitrators where he was the winner of the Cedric Barclay Prize for the highest marks in the Award Writing examination of the Diploma.

He holds a Masters degree in Construction Law and Arbitration (With Merit) from Leeds Metropolitan University where he was the winner of the Annual Prize, North-East Branch, the Chartered Institute of Arbitrators, England. He also holds a Master in Philosophy in Law from Manchester University which he completed as a Chevening Award holder. In July 2015, Datuk Professor Sundra Rajoo was conferred an Honorary Doctorate in Laws from the Leeds Beckett University in England.

He was commissioned by the Malaysian Institute of Architects (PAM) to complete the revisions to the PAM/ISM 1969 Form which was the *de facto* Malaysian Standard Form of Building Contract, first started by the late KC Cheang. The result of the commission is the PAM 1998 Form, which is still in use. He drafted the PAM Mediation Rules as part of the PAM 1998 Form.

Sundra was the Past Chairman of the Chartered Institute of Arbitrators Malaysia Branch and past Deputy-President of the Malaysian Institute of Arbitrators. Earlier, he had served as Chairman of the Chartered Institute of Arbitrators Malaysia Branch (2000-2002) and Honorary Treasurer, Honorary Secretary and Vice-President of the Malaysian Institute of Arbitrators.

He was a Council Member of the Malaysian Institute of Architects for the years 1990-1992, 1993-2001. He was a member of the Council of Architectural Education Malaysia in 1999-2001 as set up by the Board of Architects Malaysia. He was a member of the Continuing Professional Development (CPD) Working Committee of the Board of Architects Malaysia from 2002 to 2007. He was a member of the Joint Board of Architects Malaysia and the Malaysian Institute of Architects Professional Registration Examination Panel for 1997/1999, 1994/1995. He was also a member of the legal profession's Disciplinary Board's Investigating Tribunal Panel and Disciplinary Committee Panel 2003/2004.

From March 2004 to March 2009, he was an Independent, Non-Executive Director of Cement Industries of Malaysia Berhad, a company which was listed on the First Board of the Kuala Lumpur Stock Exchange. He resigned when the company went private.

He became a Chartered Arbitrator in July 1999, one of 291 persons so designated in the world at that time. He is also a Fellow of the Chartered Institute of Arbitrators, Malaysian Institute of Arbitrators, Singapore Institute of Arbitrators and Indian Council of Arbitration. He is a past Fellow of the Chartered Institute of Arbitrators, Singapore Institute of Arbitrators. He was the first Malaysian to be admitted as a member of the Academy of Experts in England.

He is listed on the Panels of Arbitrators of the Singapore International Arbitration Centre (SIAC), Australian Centre for International Commercial Arbitration (ACIC), International Arbitrators of the Cairo Regional Centre for International Commercial Arbitration, the Indian Council of Arbitration, Hong Kong International Arbitration Centre (HKIAC), Korean Commercial Arbitration Board (KCAB), World Intellectual Property Organization (WIPO) in Geneva, Switzerland, Chinese International Economic Trade and Arbitration Commission (CIETAC), Beijing Arbitration Commission, Vienna International Arbitration Centre, Dispute Board Federation, Malaysian Institute of Arbitrators, Singapore Institute of Arbitrators and the Malaysian International Chamber of Commerce and Industry.

He has also been appointed as an Arbitrator of the Olympic Council of Malaysia, aimed at settling sports disputes amongst national sports associations. He is the Country Representative of the Dispute Review Board Foundation in Seattle, USA and a subscribing member of the London Court of International Arbitration. He was also a member of the Worshipful Company of Arbitrators, London. He is also a Council Member of HuanYu China-ASEAN Legal Cooperation Centre.

He has been appointed as chairman, co-arbitrator and sole arbitrator by local and foreign parties, International Chambers of Commerce (ICC), the Chinese International Economic Trade and Arbitration Commission (CIETAC), the Kuala Lumpur, Penang, Kuching High Courts, Asian International Arbitration Centre (AIAC), Singapore International Arbitration Centre (SIAC), Malaysian Institute of Architects (PAM), and Board of Architects Malaysia.

He set up Sundra Rajoo Arbitration Chambers in 2004 to undertake the resolution of disputes through arbitration. Over the years and sitting as arbitrator since 1990, he has had numerous appointments as arbitrator for both international and domestic arbitrations.

Other than ad hoc appointments, he has been nominated by the Permanent Court of Arbitration (PAC) in The Hague and has presided over disputes and differences which relate to breach of construction and engineering contracts, oil and gas, professional consultancy, sale and purchase, insurance contracts, palm oil, commercial contracts and commercial joint-venture agreements.

Specific issues include defective works, non-payment despite certification by the contract administrator, set-off, breach of contract, determination of contract, extras and variation claims, completion and extensions of time disputes, loss and/or expense claims and damages, non-payment of fees, misrepresentation and professional negligence.

Many of his references to arbitration have dealt with technical facts and legal issues. He has given directions for the general conduct of the arbitrations, on exchange of

pleadings, discovery, and determination of preliminary issues as well as the use of expert witnesses, taking of evidence, issues of privilege, submissions and cost orders.

He has also ordered and dealt with application for further discoveries, interrogatories, inspection, viewing, amendments, further and better particulars and time extensions to file or serve pleadings, determining language, place, time, format of the hearings, granting of adjournments, limiting witnesses, granting and refusing re-openings of hearings, evaluating and using own knowledge in making the award, determining the time for making the award, extending the ambit of the arbitration proceedings, dealing with the issue of representation in arbitration proceedings, allowing documents to be filled out of time and dealing with jurisdictional issues.

He was also an invited contributor to the MSc in Construction Law and Arbitration programme offered jointly by National University of Singapore and King's College, University of London in 2004. He was a moot judge to the Malaysian Final National Rounds for the LAWASIA International Moot Competition 2009 to 2015. He has also judged in numerous Moot Competitions around the world including India, Hong Kong and Vienna.

He was an approved Tutor and Examiner for Entry Course for Associate and Assessor and Examiner for Accelerated Member and Fellow grade programmes with the Chartered Institute of Arbitrators United Kingdom and has a Course Director of the Institute's Diploma in International Commercial Arbitration course and International Entry Level Course in Jakarta. He had taken the lead as Course Director in Entry Level Courses and the Fast Track Programme to Fellowship organised by the Chartered Institute of Arbitrators in Malaysia.

He was an examiner for the Chartered Institute of Arbitrators Award Writing Examinations. He has also been a member of the Review Panel for the February, 2003 Award Writing Examination with Neil Kaplan CBE QC and Lord Dervaird determining the basis of the question paper, the marking scheme and the scripts whether candidates passed or failed. He was also a Pupil Master for nominated Fellows aspiring to be Chartered Arbitrators.

He was an invited member of the Arbitration Committee, Bar Council Malaysia, involved in the drafting of the new arbitration legislation as part of arbitration law reform in Malaysia. The Bar Council draft legislation based on UNCITRAL Model Law was submitted to the Attorney-General's Chambers. As a result, the new Arbitration Act 2005 as revised by the Attorney-General's Chambers was enacted. He was also involved in the Attorney-General's Chambers committee to propose amendments to the Arbitration Act. The amendments were enacted by the Malaysian Parliament on 1st July 2011. He was involved also the amendments to the Arbitration Act in 2011 and 2018.

He is currently a Corresponding Member of the Editorial Advisory Panel of the *Proceedings of ICE journal Management, Procurement and Law*. He was also a Member of the International Advisory Panel, Development & Construction Manual by the Butterworths Asia.

His latest book is entitled UNCITRAL Model Law & Arbitration Rules (2019), Sweet & Maxwell. Sundra is also the author of "*Law, Practice and Procedure of Arbitration*" 2003, *The Malaysian Standard Form of Building Contract (The PAM 1998 Form)*, Second Edition 1999, and the *Arbitration* title for *Halsbury's Laws of Malaysia* 2002 as published by Lexis Nexis. He has co-authored with Bill Davidson a book entitled *The Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia*, 2007, Sweet & Maxwell Thomson. He has co-authored with Bill Davidson and Harbans Singh a book entitled *The PAM 2006 Standard Form of Building Contract*, 2010, Lexis Nexis. He co-authored with Harbans Singh a book entitled *Construction Law in Malaysia*, 2012, Sweet & Maxwell Asia. Sundra's other publications include *A Practical Guide to Statutory Adjudication in Malaysia*, 2017; *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, 2nd Edition, 2017 edited by Barton Legum, Law Business Research.

The Chinese International Economic Trade and Arbitration Commission (CIETAC), Beijing, invited him in September 2002 to speak to its arbitrators on international arbitration award writing. The lecture has been published as an article in the CIETAC Yearbook 2002.

The Malaysian Court of Appeal in *Thye Hin Enterprises Sdn Bhd v DaimlerChrysler Malaysia Sdn Bhd* [2004] 5 AMR 562 approved his views as expressed in his article “*Issues Related to Arbitration Conducted under the KLRCA Arbitration Rules* [2003] 3 MUJ xiix” in arriving at its decision.

Datuk Professor Sundra Rajoo is also the pioneer behind Sports Arbitration in Malaysia and is the Founding President of the Sports Law Association of Malaysia. He has been actively working towards the setting up of the Asian Sports Tribunal for domestic sporting disputes and has also introduced the first ever Sports Law Diploma in Asia under the auspices of the AIAC. He has chaired and organized successful Sports Law Conferences in Malaysia.

Sundra is a regular contributor of articles and a seminar and workshop speaker. He has delivered and authored numerous papers. Some important events where he was a speaker or delegate include: -

- 1st International AALCO Arbitration Forum, July 2018, Kuala Lumpur
- Launching Address Design & Build Contracts, July 2018, Kuala Lumpur
- Ethics in Arbitration: Is it all about Independence and Impartiality? – 4th ICC Asia Conference on International Arbitration, June 2018, Hong Kong
- Reshaping Construction Arbitration - Mauritius Arbitration Week, May 2018, Port Louis
- Ethics in Arbitration - Mauritius Arbitration Week, May 2018, Port Louis

- Fostering Greater Collaboration among ADR Institutions – Mauritius Arbitration Week, May 2018, Port Louis
- Dispute Resolution in Asia & Beyond: Progress and Trends, May 2018, Hong Kong
- An Overview on ADR (Universiti Kebangsaan Malaysia Lecture), May 2018, Kuala Lumpur
- International Arbitration & Judicial Cooperation in the Belt & Road Countries: Dispute Resolution Perspective, May 2018, Xi'an, China
- CIPAA Conference, May 2018, Kuala Lumpur
- Launching Address of AiADR, May 2018, Kuala Lumpur
- Asia ADR Week 2018, May 2018, Kuala Lumpur
- Briefing to Members of Parliament, Proposed Amendments to Arbitration Act 2005, April 2018, Kuala Lumpur
- Opening Address 2nd AIAC-ICC Pre Vis Moots Competition, April 2018, Kuala Lumpur
- 1st Asian Conference for Young Practitioners and Students by AIAC YPG, March 2018, Kuala Lumpur
- Opening Address Novice Arbitration Mooting Competition (NAMCO), March 2018, Kuala Lumpur
- ADR in Malaysia – BFM, March, Kuala Lumpur
- 28th IPBA Conference – China's Belt & Road Initiative – Seeing is Believing: The Need for Tailor Made Dispute Resolution Mechanisms, March 2018, Manila
- Shaping the Future of Arbitration in Malaysia, February 2018, Kuala Lumpur
- Effective Ways to Create an Arbitration Centre, Construction Disputes: Adjudication Leading the Way & Arbitration Centres – Cooperation Vs Competition (Annual Arbitration & Investment Summit 2018), January 2018, Nassau, Bahamas
- Opening Address at Chartered Association of Building Engineers' Malaysia Conference, January 2018, Kuala Lumpur
- CIPAA Refresher Course, January 2018, Kuala Lumpur

- Dispute Boards, Conflict Avoidance Panels and Hybrid Dispute Resolution Processes, Upstarts or the Mainstreams of the Future, November 2017, Kuala Lumpur
- Conflict, Claims and Construction Disputes: Adjudication Leading the Way (University Malaya Lecture), November 2017, Kuala Lumpur
- CIArb YMG Annual Conference & Reception, November, Kuala Lumpur
- KIDRC International Conference, November 2017, Seoul
- International Dispute Resolution Masterclass, October 2017, Beijing
- Second CARTAL Conference on International Arbitration, September 2017, Jodhpur (India)
- ICC Conference in Jamaica “Boosting the use of Arbitration in the Caribbean”, August 2017, Kingston
- International Conference on Dispute Resolution- Modern Trends in Effective Dispute Resolution, August 2017, Kuala Lumpur
- "Developments in Arbitration Law & Practice in Malaysia and Breaking Down the Belt Road Initiative: What Lies Ahead for ADR" Club Español del Arbitraje (CEA) XII Congress, June 2017, Madrid, Spain
- Alternative Dispute Resolution in the Belt Road Initiative 2nd Symposium, “Commercial Legal Services and Dispute Resolution on China-South Asia, Southeast Asia Commercial Legal Cooperation, May 2017, Kun Ming China
- Belt & Road Arbitration Initiative Cooperation Agreement Between Kuala Lumpur Regional Arbitration (KLRCA) and Beijing Arbitration Commission / Beijing International Arbitration Center (BAC) and the Cairo Regional Centre for Arbitration (CRCICA) May 2017, Shanghai, China
- ICC-KLRCA International Arbitration Conference, October 2016, Kuala Lumpur
- ASEAN Economic Integration Forum, September 2016, Kuala Lumpur
- 2nd IPBA Asia-Pac Arbitration Day, September 2016, Kuala Lumpur
- 1st Regional Conference 2016: Bridging the Gaps, August 2016, Kuala Lumpur
- The 4th FDI Moot – “Asia Pacific Regional Rounds”, August 2016, Seoul
- Annual Summit on Commercial Dispute Resolution in China, June 2016, London

- APAG Training Day – Best Practices in International Arbitration, June, Kuala Lumpur
- 2nd International Women’s Conference, March 2016, Paris
- Resolving Disputes with Companies from Asia: What is the Best Approach?, January 2016 , San Francisco
- International Chamber of Commerce (ICC) – 32nd Joint Colloquim on International Arbitration, December 2015, Washington
- 39th Asia-Pacific Forum for International Arbitration (AFIA) Symposium – “Transformation and Expansion of Arbitral Institutional Roles amidst the Rise of Regionalism”, November 2015, Sydney
- CIArb Carribbean Centenary Forum – The Bahamas as a Leading Commercial Arbitration Seat and Centre, “Niche Arbitration Clauses: Just a pipedream or how to make them work for you?”, November 2015, Bahamas
- 5th ICC Young Arbitrators Forum, June, London
- AIBIM Law Seminar : Islamic Financial Services (IFSA), June, Kuala Lumpur
- International Congress of Maritime Arbitrators XIX – “Maritime Trade in Malaysia: With special emphasis on FOB and CIF Contracts, May, Hong Kong
- Russian Arbitration Conference, April, Moscow
- 54th AALCO Annual Session, April, Beijing
- 4th Asia Pacific Regional Forum Conference : Borderless Asia, March, Singapore
- GAR Awards & Annual Arbitration Day, February 2015, Washington
- Vienna Arbitration Day – “Does Arbitration Deliver?”, February 2015 , Austria
- Kluwer Arbitration Conference, October 2014 , Tokyo
- GAR Awards & Annual Arbitration Day, February 2014 Washington
- CIArb Congress, November 2014, Dubai
- ICSID 101 Seminar, November 2014, Kuala Lumpur
- IBA Conference 2014, October, Tokyo
- International Arbitration Workshop, September, Mumbai
- 53rd AALCO Annual Session, September, Tehran
- Asialaw Asia-Pacific Dispute Resolution Summit 2014, September, Hong Kong
- Global Islamic Finance Forum (GIFF) 2014, September, Kuala Lumpur
- Regional Arbitral Institutes Forum (RAIF) Conference, August, Singapore

- 2014 IAMA National Conference, May, Canberra
- ICCA International Conference, April, Miami
- KIAC Arbitration Symposium 2014, March, Kigali
- APRAG: 10th Anniversary Conference, March, Melbourne
- 17th Annual IBA Arbitration Day, February, Paris
- Roundtable session on the Trans-Pacific Partnership Agreement organized by Associated Chinese Chambers of Commerce and Industry of Malaysia, November 2013, Kuala Lumpur
- IFN Asia Forum, October 2013, Kuala Lumpur
- CIArb International Arbitration Conference, August, Penang
- APRAG Conference 2013, June, Beijing
- FIDIC Asia-Pacific Contract Users' Conference, June, Kuala Lumpur
- IFN Africa Forum 2013, June, Dubai
- IFN Europe Forum 2013, May, London
- IBA Arbitration Day, March 2013 Bogota
- ADNDRC Conference 2012, Hong Kong
- UNCITRAL KCAB Conference, Seoul South Korea
- International Bar Association Annual Conference, Dublin Ireland
- Oxford: CIArb Diploma in International Commercial Arbitration 2012
- Asian-African Legal Consultative Organisation (AALCO) Annual Meeting 2012
- International Council Commercial Arbitration (ICCA) Congress 2012
- Regional Arbitral Institutes Forum (RAIF) in Bali, Indonesia presented with a title National Courts and Interaction with Arbitral Tribunals, Harmonious Interpretation 2012
- ADNDRC Conference 2012, Hong Kong
- UNCITRAL KCAB Conference, Seoul South Korea
- LAWASIA International MOOT as a final judge, Bali Indonesia
- SIArb CPD Seminar at Singapore
- International Bar Association Annual Conference, Dublin Ireland
- Oxford: CIArb Diploma in International Commercial Arbitration
- CIArb London Seminar, Arbitration in Asia
- Asian-African Legal Consultative Organisation (AALCO) Annual Meeting
- International Council Commercial Arbitration (ICCA) Congress 2012

- Regional Arbitral Institutes Forum (RAIF) in Bali, Indonesia presented with a title National Courts and Interaction with Arbitral Tribunals, Harmonious Interpretation
- Commonwealth Law Regional Conference, Sydney Australia 2012
- VIAC UNCITRAL Conference, Vienna Austria 2012
- Effective Dispute Resolution: A Malaysian - Indian Perspective. A collaboration with the Malaysian Judiciary and the Malaysian Bar, January 2012, New Delhi & Mumbai, India
- UNCITRAL Arbitration Rules: Expert Group Meeting, November 2011, Vienna, Austria
- International Bar Association (IBA) Annual Conference 2011, 30 October – 4 November 2011, Dubai, UAE
- KLRCA-HKIAC Joint Seminar on 'Malaysian & Hong Kong Arbitration Law Practice', October, Ritz-Carlton Hotel, Kuala Lumpur
- IFN 2011 Issuers & Investors Asia Forum, October, Kuala Lumpur Convention Centre
- 5th China-ASEAN Forum on Legal Cooperation and Development (CAFTA 2011), September, co-hosted by Bar Council Malaysia, China Law Society, ASEAN Law of Association of Malaysia and KLRCA, held at Shangri-La Hotel Kuala Lumpur
- SI Arb Commercial Arbitration Symposium 2011, September, Maxwell Chambers, Singapore
- Malaysian Legal Services Roadshow in China, collaboration with members of the Malaysian Judiciary and the Malaysian Bar, July 2011 held in Beijing and Shanghai
- 50th Annual Session of AALCO, June, Sri Lanka
- VIAC-KLRCA Joint Seminar on 'Dispute Resolution in Malaysia and Europe', June, Kuala Lumpur
- CI Arb Asia Pacific Conference 2011, May, Sydney, Australia
- The MEF-Vienna Spring Dialogue 2011, May, Vienna, Austria
- Dispute Resolution and Arbitration Committee's session at the Kyoto Conference, April 2011, Japan
- ACCCIM Conference, held in November 2010 in Kuala Lumpur

- ICC Arbitration in Asia Pacific and Arbitration Banking & Finance Disputes Workshop held in October 2010 at Corus Hotel, Kuala Lumpur
- UNCITRAL – 53rd Working Group II Session (Arbitration & Conciliation) held in October at Vienna
- 49th Annual Session of AALCO held in August 2010 in Tanzania
- 43rd Session of the UNCITRAL held in June 2010 at New York
- ICCA Congress Rio 2010 held in May at Rio De Janeiro, Brazil