



DATUK PROFESSOR SUNDRA RAJOO

Datuk Professor Sundra Rajoo is the Director of the Asian International Arbitration Centre (AIAC). He is the past President of the Chartered Institute of Arbitrators (2016) and Chairman of the Asian Domain Name Dispute Resolution Centre (ADNDRC). 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.

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-man 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, Visiting Professor at the Faculty of Built Environment, University of Technology Malaysia and past Visiting Professor at the Law Faculty, National University of Malaysia. He is a member in the Monetary Penalty Review Committee set up under the Malaysian Financial Services Act 2013. In November 2017, Datuk

Sundra was appointed Deputy Chairman of the Adjudicatory Chamber of the Ethics Committee by the FIFA Council.

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.

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 is the Founding President of Society of Construction Law, Malaysia, a 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 the first Malaysian to be admitted as a member of the Academy of Experts in England.

He is listed on the Panels of the Chartered Institute of Arbitrators, England, Accredited International 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 Organisation (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, Regional Centre for Arbitration Kuala Lumpur (KLRCA), 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 matters of 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 has lectured on the Arbitration Law course (in 2002/2003, 2000/2001) 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 is an Adjunct Professor at the Law Faculty of University of Malaya, Visiting Professor at the Faculty of Built Environment, University of Technology Malaysia and past Visiting Professor at the Law Faculty, National University of Malaysia.

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 include in India, Hong Kong and Vienna.

He is 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. In recent years, he has 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 is 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 is 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 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

Datuk Professor Sundra Rajoo has authored, co-authored and edited several books on arbitration, contract and construction law, including, *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*, 2016 edited by Barton Legum, Law Business Research. In July 2015, Datuk Professor Sundra Rajoo was conferred an Honorary Doctorate in Laws from the Leeds Beckett University in England.

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 Pro-tem President of the Sports Law Association of Malaysia. He has been actively working towards the setting up of the Malaysian Sports Tribunal for domestic sporting disputes and has also introduced the first ever Sports Law Diploma in Asia under the auspices of the KLRCA. He has chaired and organized successful Sports Law Conferences in Malaysia. Recently, KLRCA under the leadership of Datuk Sundra Rajoo has also been appointed the Dispute Resolution body for the prestigious South East Asian (SEA) Games 2017.

Sundra is a regular contributor of articles and a seminar and workshop speaker around the world.