

**KUALA LUMPUR
REGIONAL CENTRE
FOR ARBITRATION**

(ESTABLISHED UNDER THE AUSPICES
OF THE ASIAN AFRICAN
LEGAL CONSULTATIVE ORGANISATION)

Bangunan Sulaiman
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
T +603 2271 1000
F +603 2271 1010
E enquiry@klrca.org
W www.klrca.org



CURRICULUM VITAE OF
DATUK
PROFESSOR SUNDRA RAJOO

Datuk Professor Sundra Rajoo is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLRCA). Further to his appointment as President of the Chartered Institute of Arbitrators (CI Arb) for the year 2016, which is the world-wide leader in training, accreditation and practice of alternative dispute resolution; 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 is a Chartered Arbitrator and an Advocate & Solicitor of the High Court of Malaya (non-practising). He is also a Professional Architect and Registered Town Planner. He has had over 180 appointments as arbitrator either as chairman, co-arbitrator of three-man panels and sole arbitrator in international and domestic arbitrations.

A Malaysian, 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 the Central Bank of Malaysia. He then proceeded to Australia and obtained two professional degrees in Architecture and Town Planning.

**KUALA LUMPUR
REGIONAL CENTRE
FOR ARBITRATION**

(ESTABLISHED UNDER THE AUSPICES
OF THE ASIAN AFRICAN
LEGAL CONSULTATIVE ORGANISATION)

Bangunan Sulaiman
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
T +603 2271 1000
F +603 2271 1010
E enquiry@klrca.org
W www.klrca.org



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.

2

He was commissioned by the Malaysian Institute of Architects (PAM) to complete the revisions to the PAM/ISM 1969 Form which was the *defacto* 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.

Datuk Professor 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.

**KUALA LUMPUR
REGIONAL CENTRE
FOR ARBITRATION**

(ESTABLISHED UNDER THE AUSPICES
OF THE ASIAN AFRICAN
LEGAL CONSULTATIVE ORGANISATION)

Bangunan Sulaiman
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
T +603 2271 1000
F +603 2271 1010
E enquiry@klrca.org
W www.klrca.org



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 that was listed on the First Board of the Kuala Lumpur Stock Exchange. He resigned when the company went private.

3

He became a Chartered Arbitrator in July 1999, one of 291 persons 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), Vienna International Arbitral Centre (VIAC), 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, Dispute Board Federation, PORAM, Malaysian Institute of

**KUALA LUMPUR
REGIONAL CENTRE
FOR ARBITRATION**

(ESTABLISHED UNDER THE AUSPICES
OF THE ASIAN AFRICAN
LEGAL CONSULTATIVE ORGANISATION)

Bangunan Sulaiman
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
T +603 2271 1000
F +603 2271 1010
E enquiry@klrca.org
W www.klrca.org



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 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), Palm Oil Refineries Association Malaysia (PORAM), Malaysian Institute of Architects (PAM), Board of Architects.

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 over a hundred and fifty over 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 applications 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 lectured on the Arbitration Law course (also 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 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 4th LAWASIA International Moot

Competition 2009. He was a Visiting Associate Professor with Universiti Teknologi Malaysia (UTM) who have since signed him on once more to commence lectures come October 2014. He is also currently a Visiting Professor at Universiti Kebangsaan Malaysia (UKM). Professor Sundra was recently appointed as a member of the University of Malaya's Research Advisory Committee (UMRAC) for the years 2014 – 2016.

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 taught in 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

6

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. Further to being a Fellow of the Royal Institution of Chartered Surveyors (RICS), Professor Sundra is also a Fellow of the Chartered Association of Building Engineers (CABE).

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

**KUALA LUMPUR
REGIONAL CENTRE
FOR ARBITRATION**

(ESTABLISHED UNDER THE AUSPICES
OF THE ASIAN AFRICAN
LEGAL CONSULTATIVE ORGANISATION)

Bangunan Sulaiman
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
T +603 2271 1000
F +603 2271 1010
E enquiry@klrca.org
W www.klrca.org



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 an invited member of Attorney-General Chamber's Committee involved in proposing amendments to the Arbitration Act 2005 to be enacted. He was also a Member of the International Advisory Panel, Development & Construction Manual by the Butterworths Asia. In early 2014, he became a member in the Monetary Penalty Review Committee that was set up under the Financial Services Act 2013.

He is 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. Thomson Sweet & Maxwell published his co-authored book on Construction Law in Malaysia in July 2012. His latest book "*The Malaysian Arbitration Act 2005 (Amended 2011) – An Annotation*" was published by Lexis Nexis in 2013.

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.

A regular contributor of articles and a seminar and workshop speaker, he has delivered and authored numerous papers and the more recent ones include:

- “Important of Arbitrators’ Ethics And Intergrity In ensuring Quality Arbitration”, comtemporary Asia Arbitration Journal, Volume 6.2
- Chapter contribution to the Book to be launched 2014: Guerilla Tactics in International Arbitration – Experiences from South East Asian Legal Systems.
- The Malaysian Arbitration Act 2005 (Amended 2011) – An Annotation, 22 April 2013
- Adjudication in Malaysia, IBA Conference, Boston October 2013.
- Alternative Dispute Resolution for the Financial Sector – KLRCA, KLRCA and Labuan FSA MOU Signing Ceremony, 3rd October 2013.
- KLRCA’S Role and Progress – 10 Years in Service, KLRCA and MYNIC 10th Anniversary Celebration, 26th September 2013.
- Recognition And Enforcement Of Foreign Arbitral Awards: The Application Of The New York Convention By The Courts In Malaysia, collaboration with Professor Choong Yeow Choy, Professor In The Faculty Of Law, University Malaya, September 2013.
- Importance of Arbitrators’ Ethics and Integrity in Ensuring Quality Arbitrations, 2013 Taipei International Conference on Arbitration and Mediation, 30th August 2013.
- Introduction to KLRCA and Its Potential Roles for Cross Border Dispute Resolution Service Provider, TAG Law - Asia Pacific Regional Meeting, 25th Aug 2013.
- Leading Arbitral Institutions, CiArb Conference, Penang, 23rd Aug 2013.
- Dispute Resolution With KLRCA: Arbitration & Adjudication, Petronas, 19th Aug 2013.
- *Effective Dispute Resolution: A Malaysia Perspective*, Yangon and Ho Chi Minh, July 2013

- *Developing Knowledge Based Education for Future Alternative Dispute Resolutions*, UKM, May 2013
- *Preliminary Meeting & Term of Reference*, Diploma in International Arbitration CIArb, April 2013
- *Arbitrator Quality & Ethic*, IPBA Seoul Presentation, April 2013
- *Working with the Digest An Asian/Malaysian Perspective*, MAL Digest/UNCITRAL Rules Berlin, March 2013
- *Copyright Rights and Related Issues*, ABU Digital Broadcasting Symposium, March 2013
- *International Commercial Arbitration in Malaysia and Its Benefits for Indonesia and ASEAN Businesses*, KLRCA Jakarta Roadshow, March 2013
- *Cash Flow, Consultants & CIPAA 2012*, Persekutuan Arkitek Malaysia, January 2013
- *Promulgating Institutional Rules of Arbitration which Ensure Speed, Cost, Fair Trial and Good Quality Awards*, Istanbul Arbitration Centre Conference, Ankara Turkey, November 2012
- *Keynote Speech*, HKIAC ADNDRC Conference 2012 in Hong Kong, November 2012
- *UNCITRAL Arbitration Rules & Future of Arbitration in Asia (PAC-Institutional View)*, UNCITRAL-MOJ-KCAB Conference on International Arbitration in Seoul Korea, November 2012
- *New York Convention: Perspectives for Broader Adoption and Uniform Interpretation in Asia Pacific*, UNCITRAL-MOJ-KCAB Conference on International Arbitration in Seoul Korea, November 2012
- *Its Use Across Sea*, 25th LAWASIA Conference Bali Indonesia, November 2012
- *The Role and Challenges of the KLRCA in International Arbitrations*, Skrine International Arbitration Day, Kuala Lumpur, October 2012

- *Musings From Across The Causeway – The Malaysian Construction Industry Payment & Adjudication Act 2012 (CIPAA 2012) – A New Regime*, CIArb Singapore, September 2012
- *Asia's Contribution to International Commercial Arbitration*, International Malaysian Law Conference (IMLC), September 2012
- *Moving Forward – What Lies Ahead?*, Ministry of Works Malaysia, September 2012
- *Mediation the Way Forward*, Medicolegal Dilemma of our Future, September 2012
- *The Arbitration Scene in Malaysia*, Lecture for the Diploma in International Commercial Arbitration, Oxford, September 2012
- *Arbitration in Asia and the Malaysia Experience*, Lecture for the Diploma in International Commercial Arbitration, Oxford, September 2012
- *International Arbitration in Malaysia and KLRCA*, MICCI Presentation (International Commercial Arbitration in Malaysia), August 2012
- *Role of KLRCA as Adjudication Authority*, Raja Darryl and Loh, July 2012
- *Comparing the Discourses of ADR & Litigation – How Alternative is ADR?*, IAFL, July 2012
- *Article on Arbitration World 4th Edition – The European Lawyer Reference Series*, Institutional History and Organizational Framework by KLRCA, May 2012
- *National Courts and Interaction with Arbitral Tribunals: Harmonious Interpretation*, 6th RAIF Conference hosted by BANI, Bali Indonesia, May 2012
- *Effective Dispute Resolution for Corporate Personnel*, Corporate Malaysia Talk, April 2012
- *Effective Dispute Resolution for Corporate Malaysia*, Bursa Talk, Plenary Theater KL Convention Centre, April 2012
- *Growth of International Arbitration in the Asia Pacific Region*, Commonwealth Law Association Regional Conference at Darling Harbor Sydney, April 2012

- *Dispute Resolution in Mega Construction Projects*, IPBA New Delhi Conference 2012, India, February 2012
- *ADR Laws & Practices in Malaysia*, Article for the Nepal Mediator's Society, January 2012
- *Developing the Asia-Pacific Region As A Centre For International Dispute Resolution*, The Australian ADR Reporter, Issue 15 – May 2011, p4.
- *The PAM 2006 Standard Form of Building Contract – A Change in Risk Allocation* [2010] 4 MLJ cxviii.
- *Institutional and Adhoc Arbitrations: Advantages and Disadvantages*. 7th International Conference on Construction Law and Dispute Resolution, Port Louis, Mauritius, 25th November 2009.
- *Award of Interest under the Arbitration Act 2005* [2009] 6 MLJ xix.
- *Law, Practice and Procedure of Arbitration – The Arbitration Act 2005 Perspective* [2009] MLJ cxi.
- *The Certificate of Completion and Compliance (CCC) in the Building Industry – Bugbear or Bunkum* [2008] MLJ cix (co-authored with Ir. Harbans Singh).
- *The New Malaysian Arbitration Regime* [2006] 4 MLJ cxxx (co-authored with WSW Davidson).
- *The New Malaysian Arbitration Act 2005* [August 2006) Arbitration, Volume 72, Number 3 (co-authored with Bill Davidson).
- *The Malaysian Arbitration Act 2005 and the UNCITRAL Model Law*, Asian Dispute Review, July 2006, Hong Kong International Arbitration Centre (co-authored with Bill Davidson).
- *The Arbitration Act 2005: Malaysia joins the Model Law Community* [2006] The Law Review 1 (co-authored with Bill Davidson).
- *Conduct of Arbitration Proceedings* [2005] 6 MLJ lxxiii.
- *Preliminary and Interlocutory Matters in Arbitration* [2005] 4 MLJ xcvi.
- *Duties and Liabilities of Arbitrators* [2005] The Law Review 12.
- *Consequences of Default by Parties in Arbitration*, [2005] The Law Review

192.

- *Drafting Effective Arbitration Agreements* [2005] 1 MLJ i-xcvi.
- *How to Write an Arbitration Award* [May/June 2004] INFOLINE, The Official Newsletter of the Malaysian Bar at p. 22.
- *The Advantages Inherent In Arbitration* [December 2003] INFOLINE, The Official Newsletter of the Malaysian Bar at p. 17.
- *The Process of Arbitration in Resolving Sport Disputes* [2003] 4 MLJ cxlviii.
- *Issues Related to Arbitration Conducted under the KLRCA Arbitration Rules* [2003] 3 MLJ xiix.
- *Revocation of Authority and Removal of Arbitrator* (June 2003) INSAF, Journal of the Malaysian Bar Vol. XXXII No. 2 at p. 1.
- *Privacy and Confidentiality in Arbitration* [2003] 2 MLJ ix.
- *Mediation and Alternative Dispute Resolution* [December 2002] INFOLINE, The Official Newsletter of the Malaysian Bar at p. 5.
- *Remuneration of Arbitrators* [2002] 4 MLJ cliv.
- *Evidence in Arbitration* (September 2002) INSAF, Journal of the Malaysian Bar Vol. XXXI No. 3 at p. 77.
- *Commencement of Arbitration* (June 2002) INSAF, Journal of the Malaysian Bar Vol. XXXI No. 2 at p. 115.
- *Arbitration Awards* [2002] 1 MLJ cc.
- *Function, Powers and Duties of the Arbitral Tribunal* [2001] 2 MLJ xvii.
- *Awards of Interest in Arbitration* [2001] 2 MLJ lxxxv
- *New Developments in International Arbitration in Malaysia* (2001) INSAF, Journal of the Malaysian Bar Vol. XXX No. 3 at p. 62.
- *Costs in Arbitration* (2000) INSAF, Journal of the Malaysian Bar, Vol. XXIX No. 4 at p. 37.

**KUALA LUMPUR
REGIONAL CENTRE
FOR ARBITRATION**

(ESTABLISHED UNDER THE AUSPICES
OF THE ASIAN AFRICAN
LEGAL CONSULTATIVE ORGANISATION)

Bangunan Sulaiman
Jalan Sultan Hishamuddin
50000 Kuala Lumpur, Malaysia
T +603 2271 1000
F +603 2271 1010
E enquiry@klrca.org
W www.klrca.org



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 MLJ xiix” in arriving at its decision.

Datuk Professor Sundra was conferred the Panglima Jasa Negara which carries the title “Datuk” by his Majesty the Malaysian King on the occasion of his Majesty’s birthday on June 2nd, 2012.