

VIAC – Questionnaire for Arbitrators

1. Name: Tan Sri Cecil Abraham

2. Citizenship: Malaysian

3. Contact information:

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Website: www.cecilabraham.com

LinkedIn:

4. Current position: Senior Partner

5. Education: Queen Mary College, University of London (1968 – LLB. Hons);
Called to the Honourable Society of Middle Temple as a Barrister at Law in May 1969;
Admitted as an Advocate & Solicitor of the High Court of Malaya in February 1970;
Admitted as an Advocate & Solicitor of the Supreme Court of Singapore in 2009;
Chartered Arbitrator.

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

I have sat as Chairman, Sole-Arbitrator and Co-Arbitrator in international commercial arbitrations, which have been held in India, France, Taiwan, Switzerland, Singapore, Philippines, Hong Kong and Malaysia. I have been involved to date, in more than 100 arbitrations, both international and domestic. I have sat as Chairman of approximately 40 Tribunals, as Sole-Arbitrator in 35 arbitrations and as Co-Arbitrator in 30 arbitrations, all of which are of an international nature. These arbitrations have been conducted under the SIAC, LCIA, ICC, AIAC (formerly Kuala Lumpur Regional Centre of Arbitration [KLRCA]), ICSID Rules and the Rules of Indian Arbitral Institutions. The applicable law that I have been involved in, have been both common law and civil law.

- How often have you acted as Chairman?

I have acted as Chairman in approximately 40 Tribunals.

- How often have you acted as Sole Arbitrator?

I have acted as Sole Arbitrator in approximately 35 Tribunals.

- How often have you acted as Co-Arbitrator?

I have acted as Co-Arbitrator in approximately 30 Tribunals.

- How often have you acted as Counsel?
I have acted as Counsel in more than 30 domestic and/or international arbitrations
- How often have you acted in a different function (e.g. Administrative Secretary)?
Nil.

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

CONTRIBUTIONS

I have contributed to the following publications:-

- (i) the Malaysian chapter on arbitration in the book *Commercial Arbitration Law In Asia And The Pacific*, which is an ICC Publication edited by Simmonds Hill Jarvin;
- (ii) the Malaysian Chapter on arbitration in a publication entitled *Arbitration in Asia* which is published by Butterworths. The editor of the book is Michael J Moser of Freshfields;
- (iii) the Malaysian Chapter on arbitration for the Global Legal Group entitled *Questions for the International Comparative Legal Guide: International Arbitration 2003*;
- (iv) the International Bar Association publication *Civil Appeal Procedures Worldwide* edited by Charles Platto;
- (v) the Chapter on the "Role Played by the Party-Appointed Arbitrator" in *The Asian Leading Arbitrators Guide to International Arbitration*;
- (vi) the Malaysian Chapter in *Arbitration World, 4th Edition*;
- (vii) the Malaysian Chapter on Arbitration in *World Arbitration Reporter*; and
- (viii) the Malaysian Chapter in *Asia Arbitration Guide*;
- (ix) Chapter on *State Approval in South East Asian Bilateral Investment Treaties in Investor-State Arbitration – Lessons For Asia* (HKIAC Special Publication Series No. 1);
- (x) the Malaysian Chapter in Getting The Deal Through in *Investment Treaty Arbitration (2019)*;
- (xi) the Malaysian Chapter on GAR Know How – *Challenging and Enforcing Arbitration Awards 2019*; and
- (xii) the Chapter on *Misrepresentation* in Bullen & Leake & Jacob's *Malaysian Precedents of Pleadings (2017)*.

I have also in the past, edited a number of volumes of the *Malaysian Court Forms* (equivalent to the English Atkins Court Forms) and the *Halsbury's Laws of Malaysia on Practice & Procedure*.

SEMINAR AND CONFERENCES

I have presented papers on various aspects of litigation and arbitration at the International Bar Association, the Inter-Pacific Bar Association, UNCITRAL, LawAsia, Asean Law Conference and at other regional conferences.

WHAT OTHERS SAY

Who's Who Legal: Arbitration 2020 has said the following in their publication:

"Cecil Abraham is 'Malaysia's leading international arbitrator', remark sources who applaud his experience 'sat on numerous investment treaty claims as arbitrator – be it under the ICSID Rules or the UNCITRAL Rules'".

The Asia Pacific Legal 500, 2018 Edition has said the following in their publication:-

"Specialist firm Cecil Abraham And Partners is headed by Cecil Abraham, one of the 'most respected' practitioners in the area. The team acts in traditional litigation as well as arbitration matters, dealing with related complex, high-end disputes spanning, among others, antitrust, securities, banking, construction and infrastructure, and commercial law. It is acting for MUIP in a dispute seeking to ascertain whether a court of law is competent to interfere with an award by an arbitration tribunal. Sunil Abraham is also recommended."

Chambers Asia Pacific 2018 has said the following in their publication:-

"Cecil Abraham of Cecil Abraham & Partners in Kuala Lumpur brings exceptional experience to his work as arbitrator, having served on over 90 arbitrations of the most varied types in both counsel and arbitrator roles, and he continues to act in both capacities. Of late, his work has extended to focus on matters with Indian connections, including a number of investment treaty disputes."

HONOURS

I was awarded the title 'Dato' by the Sultan of Kelantan in 2003.

I was awarded the title 'Tan Sri' by The Yang Di Pertuan Agong on 5th June 2010.

BENCHER

I am a Bencher of The Honourable Society of Middle Temple.

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

CURRENT MEMBERSHIP

- (a) Member of the Advisory Council of the International Council for Commercial Arbitration (ICCA).
- (b) Member of the Board of the National Committee of ICC Malaysia.

PAST MEMBERSHIPS

- (a) Past Chair of the Practice Section of the Malaysian Bar Council on Civil Procedure tasked with amending the Malaysian Rules of the High Court. The Rules have since been amended and are now known as The Rules of Court 2012.
- (b) Past Member of the Practice Section of the Malaysian Bar Council on Arbitration tasked with amending the Arbitration Act 1952.
- (c) Vice President of Asia Pacific Regional Arbitration Group (APRAG), (2006-2009).
- (d) Past Deputy President of the Malaysian Institute of Arbitrators.
- (e) Past Member of the London Court of International Arbitration (LCIA).
- (f) Past Chairman of the Chartered Institute of Arbitrators, Malaysia Branch (CIArb).
- (g) Past President of the Inter-Pacific Bar Association (IPBA).
- (h) Past Member of the Malaysian Bar Council and also the Past Chairman of the Kuala Lumpur Bar Committee, which is the largest State Bar in Malaysia.
- (i) Past Member of the International Chamber of Commerce (ICC) Court representing Malaysia.
- (j) Past Member of the ICC Commission on Arbitration.
- (k) Past Member of the ICC Task Force on Financial Institutions.
- (l) Past Vice Chair of Committee D, which was the Arbitration and ADR Section of the IBA.
- (m) Past Member of the Advisory Panel of the AIAC.

9. 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): English

10. 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 _____

11. What is your main jurisdiction of practice?

Malaysia.

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

Malaysia.

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

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Antitrust/Unfair competition | <input checked="" type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input checked="" type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input checked="" 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 checked="" type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input checked="" type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> CISG | <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input checked="" type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input checked="" type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input checked="" 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 |
| <input checked="" type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 20 November 1945

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>.

3.9.2020

Date

and

Signature