



**VINAYAK P. PRADHAN**

**Citizenship** : Malaysian

**Education** : LLB (Hons) Singapore

**Appointed Acting Director of AIAC on 21<sup>st</sup> November 2018**

**Professional Qualifications**

- Advocate & Solicitor, West Malaysia (1974)
- Advocate & Solicitor, Supreme Court, Singapore (1991)
- Advocate & Solicitor in Malaysia for over 44 years, appearing at all levels of the Malaysian Courts.
- Consultant SKRINE, Advocates & Solicitors, Kuala Lumpur, Malaysia.
- Past President (2013) of the Chartered Institute of Arbitrators (U.K.)

**Special Appointments**

- 1<sup>st</sup> August 1998 to 31 August 2003: Commissioner with the United Nations Compensation Commission dealing with construction and civil engineering claims from corporate entities.
- 2003 to 2015 - a Member of the Permanent Court of Arbitration (“PCA”), The Hague.
- 2006 - appointed on the List of Arbitrators of the Court of Arbitration for Sport, Lausanne.
- 2006 - appointed on the Register of Arbitrators of the Olympic Council of Malaysia.
- January 2008 – December 2017- Vice Chair of the ICC Commission on Arbitration and ADR.
- 2008 to 2014 - on the Panel of Conciliators and Panel of Arbitrators of ICSID.
- 2009 to 2012 - on the Council of Advisors of the Singapore International Arbitration Centre.

- June 2009 - appointed as head of the Ministry of Transport's Task Force to enquire into and report on cost overruns in respect of the Port Kelang Free Zone Project.
- October 2009 - appointed on to the Prime Minister's Special Task Force to make recommendations in respect of the Port Kelang Free Zone Project.
- 2011 - Vice President of the Chartered Institute of Arbitrators (UK).
- April 2011 – March 2014 & October 2014 - October 2017 - Commissioner, Enforcement Agency Integrity Commission, Malaysia.
- August 2011 – appointed as a Member of the Advisory Board of the Kuala Lumpur Regional Centre for Arbitration.
- 2012 - Deputy President of the Chartered Institute of Arbitrators (U.K.).
- 2012 – appointed as an independent member of the Trust Management Committee of the Olympic Council of Malaysia.
- 2013 - President, Chartered Institute of Arbitrators (UK).
- 2014 – 17<sup>th</sup>. Asian Games, Incheon, South Korea. Appointed by the Court of Arbitration of Sport as one of the 6 ad hoc judges empanelled to deal with disputes arising during the Games.
- 2014 – Founding Fellow of the International Academy of Construction Lawyers.
- 2015 – appointed on EAIC Task Force to enquire, in a public hearing, into a death in police custody.
- 2017 – 2018 - Member of the ICC international Court of Arbitration.
- 2018 – Present – Acting Director of the Asian International Arbitration Centre (AIAC)

### **International Peer Reviews**

Vinayak is ranked in Band 1 as a leading individual for the Most In-Demand Arbitrators for International Arbitrations in the Asia Pacific region by Chambers Asia Pacific 2010, 2011, 2012, 2014, 2015, 2016, 2017 & 2018. He is also cited as being one of *“the two best arbitrators when it comes to Malaysian work”* and cited as a *“tremendous lawyer to work with in every way – an excellent arbitrator, a top counsel and a skilled litigator.”* Chambers 2018 states that Vinayak is a good candidate for the title of *“leading arbitrator of international standard in Malaysia”* and that he is frequently involved in *“the most highly complex matters.”* In the Asia-Pacific Legal 500 for 2010, 2011, 2012, 2014, 2015 & 2016, Vinayak was named as a top arbitrator and *“first choice”* of Malaysian advocate and

has been described as a *“very persuasive counsel who reads the bench well.”* Asia-Pacific Legal 500 2013 describes Vinayak as a *“doyen of the arbitration circuit”* and *“one of the finest advocates Malaysia has ever known.”* He is ranked *“senior statesman”* in Dispute Resolution by Chambers Asia-Pacific 2015 & 2016.

#### **As solicitor and counsel**

- Has appeared at all levels of the Courts of Malaysia.
- Reported cases include commercial and corporate matters, banking, insurance, medical negligence, construction and engineering, oil and gas, arbitration.
- Acted for the senior appellate judge facing a Constitutional Tribunal to enquire into the conduct of 5 judges of the highest Court in Malaysia in 1988.
- Has given expert evidence in the courts of the Republic of the Philippines.
- Acted extensively as solicitor and counsel in commercial arbitrations, including those concerning the construction and engineering and energy industries.

#### **Arbitrations**

- Acting Director of the Asian International Arbitration Centre (AIAC)
- Chartered Arbitrator and Fellow of the Chartered Institute of Arbitrators (UK). Global President of the Institute in 2013.
- Fellow of the International Academy of Construction Lawyers.
- Fellow of the Malaysian Institute of Arbitrators.
- Fellow of the Australian Centre for International Commercial Arbitration.
- Experience as arbitrator encompasses both domestic and international arbitrations.
- Has acted in domestic and international arbitrations as presiding arbitrator, co-arbitrator and sole arbitrator. These arbitrations include those conducted under the ICC Rules, the AIAC Rules, the UNCITRAL Rules, the LCIA Rules, the HKIAC Rules, the PORAM Rules, the PCA Rules and the SIAC Rules. Most of these disputes are cross-border disputes.
- On the panels of various international arbitration institutions.

- Experience as arbitrator is extensive having been appointed in more than 100 arbitrations, of which approximately 70% have been international arbitrations.
- These arbitrations have included those relating to the laws of England, the Philippines, Qatar, Thailand, Malaysia, India, Nepal, Bangladesh, Sri Lanka, Hong Kong, Indonesia, the People's Republic of China, Mongolia, Nigeria, Pakistan, Singapore and New Zealand.

### **Chartered Institute of Arbitrators**

Vinayak became, in 2013, the first Asian male to be President of the Chartered Institute of Arbitrators which was formed in 1915 as a purely U.K. body. By 2013, the Institute had become truly international with some 13,000 members, 65 % of whom were from countries apart from the U.K. It is a non-profit organisation which exists for the global promotion, facilitation and development of all forms of ADR. In addition to providing education and training for ADR practitioners, it acts as a centre dedicated to providing world-class quality and efficient service to ADR practitioners, policy makers, academics and those related in the dispute resolution industry. It is the pre-eminent arbitration body for arbitration education in the World. Vinayak, was previously on the Malaysian branch of the CI Arb's formation, the first Chairman of the Malaysian branch of the Institute.

### **ICC Commission on Arbitration and ADR**

The ICC Commission on Arbitration and ADR is a body of the International Chamber of Commerce. It is the International Chamber of Commerce's unique think tank and rule making body in the field of international dispute resolution. Vinayak was a Vice Chair of the Commission for 10 years from January 2008 to December 2017 when he voluntarily stepped down. For 9 of these 10 years, Vinayak was the only representative from Asia on the Commission.

### **ICC International Court of Arbitration**

The ICC International Court of Arbitration is the world's leading arbitral institution. Since 1923, it has been helping to resolve difficulties in international commercial and business disputes to support trade and investment. Vinayak was appointed by the President of the ICC International Court of Arbitration as a Member of the Court from 2017 to 2018.

### **Permanent Court of Arbitration and ICSID Panels of Arbitrators and Conciliators**

The Government of Malaysia appointed Vinayak as a member of the Permanent Court of Arbitration from 2003 to 2015.

The Government of Malaysia also appointed Vinayak on to the ICSID Panels of Arbitrators and Conciliators from 2008 to 2015.

### **Sports Arbitration and OCM Trust.**

Vinayak has been on the List of Arbitrators of the Court of Arbitration for Sport since 2006. He is also on the Register of Arbitrators of the Olympic Council of Arbitrators.

In 2014, Vinayak was appointed by the Court of Arbitration for Sport as one of the 6 ad hoc judges empanelled to deal with disputes arising during the 14<sup>th</sup> Asian Games in Incheon, South Korea.

Vinayak is also an independent member of the Trust Management Committee of the Olympic Council of Malaysia.

### **Award**

In 2016, Vinayak became the first recipient of the Chartered Institute of Arbitrators, Malaysia Branch, Arbitrator of the Year Award. The citations for the Award were articulated by the Chief Justice of Singapore, Mr. Sundaresh Menon, who was also the Patron of the global institution then, as well as Prof. Datuk Sunda Rajoo. In his citation, the Chief Justice of Singapore, had this to say

*“In the course of my career at the Bar, I acted as counsel in many arbitrations. I therefore have had the opportunity to appear before a fair number of arbitrators from many parts of the world. With the benefit of this perspective, I have no hesitation in saying that I personally rate Vinayak among the very finest of them.”*

### **Adjudication**

Vinayak is a qualified adjudicator and has appeared in 2 cases in the Federal Court relating to adjudication.

### **Other Dispute Work (excluding Court work)**

#### **United Nations Compensation Commission (“UNCC”)**

Vinayak was a Commissioner with the UNCC from 1 August 1988 to 31 August 2003. He sat as one of 3 members on the Construction and Engineering claims panel (the 2 other members of the panel being an English Q.C. and a Swiss Engineer) determining the compensation payable pursuant to UN Security Council Resolution No 687. The Panel dealt with and disposed off claims with a total value of some 2 billion US dollars over 5 years and finished its work on time.

#### **Enforcement Agency Integrity Commission (“EAIC”)**

The EAIC is a Malaysian statutory body created to deal with allegations of misconduct by 21 enforcement agencies including the Royal Malaysian Police. Vinayak was one of 7 Commissioners of the EAIC for 6 years from 2011 to 2017. He sat in the first public enquiry into a death in police custody incident. The EAIC’s annual reports are presented to Parliament.

### **Port Kelang Free Zone Project (PKFZ)**

In June 2009, Vinayak was appointed as head of the Ministry of Transport's Task Force to independently enquire into and report on cost overruns in respect of the PKFZ.

In October 2009 – Vinayak was appointed on to the Prime Minister's Special Task Force to make recommendations in respect of the PKFZ.

### **Publications and Conferences**

- Has regularly appeared as a guest speaker and has delivered lectures and papers at more than 100 local and international conferences, seminars and workshops.
- Has written articles and chapters on construction law and arbitration and other dispute resolution processes which have been published in legal journals and in books on arbitration.