



Nicholas Alexander Brown

Partner

Pinsent Masons

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Biography

Nicholas is a multi-jurisdictional lawyer with over twenty-five years of dedicated experience in advising and representing project participants in the resolution of disputes arising on infrastructure and energy projects across the Asia Pacific, the Middle East, Africa, and Australia. He has served clients (as counsel) and parties seeking the fair and efficient resolution of commercial disputes (as arbitrator) in a diversity infrastructure projects and transactions across numerous countries and sectors, including oil and gas, energy, transportation and mining.

He is also a regular legal writer in the area of construction law and international commercial arbitration. He sits as a commercial arbitrator occasionally.

Areas of Expertise

- Energy and transportation infrastructure law
- International commercial arbitration law and practice
- The drafting and negotiation of EPC Contracts
- Dispute resolution (International commercial arbitration, Dispute Adjudication Boards, Commercial Mediation, Commercial Litigation)

| Education | Qualification year and jurisdiction | Career History (most recent position held) |
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| <ul style="list-style-type: none"> • 2015, Diploma in International Commercial Arbitration (CI Arb) • 2014, Fellowship course, The Chartered Institute of Arbitrators • 2001, Queensland University of Technology – LLM (Hons) • 1997, Queensland University of Technology – LLB (Hons) | <ul style="list-style-type: none"> • 2015 – The Supreme Court of Singapore (Section 36P Foreign Registered Lawyer) • 2006 – High Court of the Hong Kong SAR • 2003 – Supreme Court of England and Wales • 1996 – Supreme Court of Queensland and High Court of Australia | <ul style="list-style-type: none"> • 1999 to present – Pinsent Masons LLP, Partner |

| Location | Languages | Professional Memberships |
|---|--|--|
| <ul style="list-style-type: none"> • Singapore | <ul style="list-style-type: none"> • English • Japanese (conversational) | <ul style="list-style-type: none"> • Member, Asian International Arbitration Centre, Malaysia • Fellow, Dispute Resolution Board Foundation, USA |

- Fellow, The Chartered Institute of Arbitrators, UK
- Fellow, The Singapore Institute of Arbitrators
- Panellist, Hong Kong International Arbitration Centre
- Member, Hong Kong Law Society
- Member, ICC Arbitration Singapore group
- Member, International Bar Association, USA
- Panellist, London Court of International of Arbitration
- Fellow, Singapore Institute of Arbitrators
- Member, Society of Construction Law Singapore
- Member, The Law Society of England and Wales

Non-legal qualifications

- Certified commercial mediator

Publications

- FIDIC 2017 – A definitive guide to claims and disputes, Thomas Telford Limited 2021, London, ISBN 978-0-7277-6531-4
- The ICC Commission Report, Constructions Industry Arbitrations - Recommended Tools and Techniques for Effective Management (2019 Update) [2019] Pt. 4, International Construction Law Review 455 | October 2019
- Contributed to an article by Michael Fletcher on the impact and reach of the Singapore Convention (169 NLJ 7856, p. 20) | September 2019
- DB Members and National Neutrality, The Dispute Resolution Board Foundation Forum (Volume 22 Issue 2 - June/July 2018) | July 2018
- Second Edition of the SCL UK Protocol - A Lawyer's Review, A paper delivered to the Society of Construction Law, Singapore on 17 May 2017
- Latent Conditions – of Sleuths and Clairvoyants, Singapore Journal of Construction Law | 4 May 2016
- Dabbling in DABs, Singapore Institute of Arbitrators Newsletter | September 2015
- Chasing Rainbow – Initial Vagaries in the FIDIC Book Claim Procedure, The International Construction Review | January 2015

- Care for Some Fresh Dim Sum? The Vindabona Journal of International Commercial Law and Arbitration (2014) | 1 December 2014
- Game of Thrones – A Narrowing Immunity? Journal of International Arbitration | 2013
- Standard Forms: Another Fly in the Ointment of Presumed Contractual Intent? Society of Construction Law, Hong Kong | February 21, 2013
- A Clash of Civilizations: Cross Border Construction Dispute Resolution Involving Emerging East Asian Societies Society of Construction Law, Australia | May 2012
- Changes to construction law in Vietnam Out-Law.com | August 2011
- Reasonably Foreseeable Uncertainty Sweet & Maxwell Thomson Reuters (Professional) UK Limited | 2011
- Investment Treaty Protections for International Infrastructure Contractors in the Asia Pacific Region Society of Construction Law, Hong Kong | November 5, 2009
- Global Diversity in the Enforcement of Liquidated Damages Solicitor's Journal | September 2005
- Pushing the Envelope – The 'Be' Collaborative Contract International Construction Law Review, LLP Limited | 2004
- The Contractor's Duty to Warn: Recent Developments, Present Scope And Some Future Possibilities International Construction Law Review, LLP Limited| 2002
- Liquidated Damages: Is one man's floor another man's ceiling? Sweet& Maxwell | 2001
- An Examination of the Ownership of Float Sweet & Maxwell, Vol 15(6) Construction Law Journal | June 1999
- Pyman & Brown, Annotated Subcontractors' Charges Act 1974 Lawyers Books | 1999, ISBN 0646314742

Legal Directory/Ranking

"Nicholas Brown is based in Singapore and described by clients as a 'very intelligent, thoughtful and careful lawyer who gives sensible advice.' he often advises major Japanese companies on arbitral proceedings across the region."

Dispute Resolution (Expertise Based Abroad) – Global, Japan, Chambers & Partners 2021

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"Nicholas Brown... is known for his specialisation and extensive experience in the handling of construction disputes."

Dispute Resolution (Expertise Based Abroad) – Global, Japan, Chambers & Partners 2019

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Who's Who Legal - Construction - 2019 writes:

"Nicholas Brown performs strongly in this year's rankings, with interviewees praising him for his 'wealth of experience' assisting international contractors on infrastructure projects in developing countries."

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Who's Who Legal – Global

Asia Pacific - highly respected figure

Dispute Resolution (Expertise Based Abroad) – Global guide, Japan, 2021, 2020, 2019

Notable practitioner - Foreign Experts Based Abroad
Ranked for Dispute Resolution: Arbitration - Singapore - Foreign Expertise
Dispute Resolution: Arbitration (International Firms) – China

Sample experience

- Advising a multilateral development bank on options for the architecture of the dispute resolution clauses in numerous related funding agreement in connection with an Indian road project.
- Advising in relation to issue arising on a project for the development of a gas-fired power plant situated in Taiwan.
- Advising in relation to claims arising from the engineering and construction of a coal-fired power plant situated in Thailand.
- The third and fourth largest coal power plants in the world (combined 9600MW of power): Advising and representing the prime EPC contractor in numerous proceedings involving South African arbitrations, South African court litigation and FIDIC DAB adjudications.
- Highway project in Pakistan: Advising a Japan-based civil engineering and construction business on commercial issues arising out of the project that widens and strengthens a highway in Pakistan. The Employer is the National Highway Authority.
- International Airport in Hanoi, Vietnam: Advising a Joint Venture providing project advice on the construction of an International Airport terminal in Hanoi.
- Nacala Port Development Project, Mozambique: Advising a Japanese construction company in relation to issues arising from the contract for the Nacala Port Development Project Phase II in Mozambique.
- Ichthys LNG project, Australia: Representing a consortium consisting of Kawasaki Heavy Industries and Laing O'Rourke Australia in their bid for the construction of the processing and storage facilities of the Ichthys LNG offshore and onshore facility in the Northern Territories, Australia.
- Australian lithium export investment and sale transaction dispute: Sitting as arbitrator in a cross-border dispute between international parties in commercial arbitration proceedings seated in Hong Kong SAR.
- Petrochemical Refinery: Advising and representing a six-member EPC consortium in multiple arbitrations concerning numerous disputed claims arising from the engineering, construction and procurement of a green-field petrochemical facility in Vietnam.
- Pakistani highway project: Advising a contractor on payment difficulties.
- Port Development Project, Republic of Mozambique: Advising a bidder on pre-contractual negotiations.
- The Matarbari Port, Cox's Bazar, Bangladesh: Advising in connection with the Matarbari Port, a proposed deep seaport for Maheshkhali Island (Moheshkhali upazila) in Cox's Bazar District in the Division of Chittagong, Bangladesh.
- River bridges, Bangladesh: Preparing contract documentation for the management of risk on this very large and long-lasting civil engineering project. Then advising the contractor on time and money claims arising on the project, including in DAB proceedings.
- MRT Purple Line, Bangkok: Advising a contractor in connection with operational issues.
- The Colombo Outer Circular Expressway: Advising a civil engineering contractor on various matters arising from the construction of a 29.2 km four-lane highway running out from the City centre of Colombo. Appearing for the contractor in five consecutive FIDIC DAB proceedings.

- Subaqueous tunnel project, Abu Dhabi: Advising a main contractor in relation to the failure of a subaqueous tunnel lining.
- WTO AGP tender challenge, Hong Kong SAR: Advising tenderer on available avenues of review under the WTO AGP.
- Ichthys LNG Project, Australia: Advising and representing in negotiations a co-contractor on the engineering, procurement and installation of major plant installations at the onshore LNG terminal.
- High olefin fluid catalytic cracking unit complex: Lead counsel for an EPC consortium in pre-arbitral proceedings under the LCIA Rules, seated in London, relating to claims arising out of a design and construction of a high olefin fluid catalytic cracking unit complex forming part of an integrated petroleum refinery and petrochemical complex situated in the Kingdom of Saudi Arabia.
- Jakarta MRT North-South Phase tender, Indonesia: Advising a bidding consortium on the bidding documents for the design and construction of the first phase of the Jakarta MRT project, to link Lebak Bulus in South Jakarta with Hotel Indonesia Traffic Circle in Central Jakarta (the north-south phase). Drafting documentation and advising the consortium on their engineering services agreements.
- Port Development Project, Republic of Mozambique: Advising a bidder on pre-contractual negotiations. Rights, strategies and solutions.
- Geothermal Fluid Collection and Re-injection System and Power Plant System: Advising an EPC contractor on its available rights and remedies and attendant risks in light of pre-existing site restrictions and a supervening landslide at the site on a geothermal FCRS and PP system located in Indonesia.
- Coal-fired Power Plant: Advising a contractor on a civil engineering package forming part of a project for the design, build, own, operate and maintain of a coal-fired electricity generating facility with a total nominal capacity of 2,000MW to be located at Jimah in Port Dickson, Malaysia.
- Sabiha Gökçen Airport, Turkey: Advising a member of the international sponsor consortium in relation to the concession for the upgrading, maintenance and operation of the international airport, handling 25 million passengers annually.
- Hydroelectric power plant, Kenya: Advising a Japanese multinational on their exposure to liability and possible defences in relation to a hydroelectric power plant project in Kenya.