

Alexander Yean

CALL: 2022

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Languages: Chinese (fluent)



Overview

Alex has a busy practice across Chambers' core areas of shipping, commercial arbitration, and public international law (including investor-State arbitration). He has been involved in arbitrations under a variety of institutional rules, including LMAA, GAFTA, LCIA, ICC, SIAC, and ICSID, as well as arbitration-related proceedings in the Commercial Court. He is regularly instructed as sole counsel, but equally enjoys working as part of a team.

Prior to joining Chambers, Alex studied law at the University of Oxford, where he came first in his year overall and won numerous subject prizes and scholarships. He maintains a strong academic interest in the law; he enjoys attending academic conferences, and his contributions have been published in leading journals such as the *Law Quarterly Review*, *Lloyd's Maritime and Commercial Law Quarterly*, and the *Journal of International Arbitration*.

Alex is fluent in Mandarin Chinese, having grown up in Singapore, and maintains a keen interest in the Asian markets.

Publications

- 'The Subtle Knife of Separability' (2024) 41(2) *Journal of International Arbitration*
- 'The Confidentiality of Arbitral Deliberations' (2024) *Lloyd's Maritime and Commercial Law Quarterly* 12
- 'The Persistence of Unfairness: Limitation and the Consumer Credit Act 1974' (2024) 39(2) *Journal of International Banking Law and Regulation* 78
- 'A (sub-)trust for thee but not for me' (2023) 29(8) *Trusts & Trustees* 734
- 'No sympathy in choice: reliance damages where expectation damages are readily provable' (2023) 139 *Law Quarterly Review* 546

Education

University of Oxford, Exeter College: BA in Jurisprudence, First Class (2021)

Awards/Prizes/Scholarships:

- Philip C. Jessup International Law Moot, Finalist and Best Oralist in UK Rounds (2022)
- Martin Wronker Prize for Overall Best

Performance, University of Oxford (2021)

- Gibbs Book Prize for Private Law, University of Oxford (2021)
- Martin Wronker Subject Prize for Jurisprudence, University of Oxford (2021)
- Law Faculty Subject Prize for the Roman Law of Delict, University of Oxford (2021)
- Slaughter and May Subject Prize for Roman Law, University of Oxford (2019)

Arbitration

- Instructed (as sole counsel) in relation to a three-party arbitration; successfully persuaded the tribunal to find that it had no jurisdiction on the basis that the claimant's single notice of arbitration against two respondents was invalid.
- Instructed (as sole counsel) in relation to a dispute where each party has sought to commence arbitration in a different jurisdiction.
- Advised on multi-jurisdictional enforcement proceedings arising out of two arbitral awards valued at over US\$50 million (led by Paul Lowenstein KC and Jonathon Redwood SC)
- Instructed in relation to an LCIA arbitration arising out of a partnership agreement between private equity fund managers.
- Instructed in relation to a high-value LMAA arbitration concerning a joint venture to finance the construction and long-term operation of two cruise ships; drafted expert report on English law in aid of an application to a foreign court to stay winding-up proceedings in favour of arbitration.
- Drafted (as a pupil) pleadings and advice in relation to an SIAC arbitration that involved issues of implied variation and estoppel by conduct.
- Drafted (as a pupil) pleadings and advice in relation to several arbitration challenges under sections 67, 68, and 69 of the Arbitration Act 1996.

Banking and financial services

- Represented (as sole counsel) debtor in bankruptcy proceedings in the High Court; successfully obtained validation order to permit disposal of property.
- Advised on the merits of a dispute in relation to a six-figure commercial mortgage.
- Drafted submissions in relation to claims for relief arising out of allegedly unfair credit relationships under s.140B of the Consumer Credit Act 1974.
- Drafted (as a pupil) pleadings for an unjust enrichment claim in relation to a foreign bank's failure to comply with a payment order.

Commercial litigation

- Instructed in relation to a successful application under s.44 of the Arbitration Act 1996 for a 7-figure freezing injunction in aid of arbitration (led at various points by Henry Byam-Cook KC and David Davies KC of Essex Court Chambers).
- Drafted (as a pupil) pleadings and advice in relation to several applications for freezing injunctions/security for costs.

Commodities and international trade

- Instructed in relation to a GAFTA dispute arising out of the assignment to a sanctioned entity of the seller's rights under a contract of sale.
- Instructed in relation to a GAFTA arbitration concerning alleged short landing of cargo.

- Instructed in relation to multi-party LMAA proceedings arising out of shipowners withholding delivery of a high-value cargo on the basis of an asserted common law lien (led by Chirag Karia KC of Quadrant Chambers).

Public international law

- Instructed by the claimant investors in an ICSID arbitration in relation to an investment in the telecommunications sector.
- Instructed by the claimant investors in *ABH Holdings S.A. v. Ukraine* (ICSID Case No. ARB/24/1), in relation to the alleged expropriation of an investment estimated to be worth no less than US\$1 billion (led by Baiju Vasani; reported in *Global Arbitration Review*).
- Assisting in the *M/T "Heroic Idun" (No. 2)* case currently pending before the International Tribunal for the Law of the Sea (ITLOS), concerning the circumstances under which a coastal State may take enforcement action against a foreign-flagged vessel in its exclusive economic zone.
- Drafted (as a pupil) advice in relation to a treaty-based investor-State arbitration claim, with a focus on the assessment of damages.

Shipping

Alex is regularly instructed as sole counsel in relation to charterparty disputes such as those concerning off-hire, underperformance, laytime/demurrage, and short loading/landing of cargo. He also has experience with disputes in respect of shipbuilding, ship sales, and shipping-related financing arrangements. Representative instructions include:

Time charters/trip time charters

- Advised the time charterers of a vessel that has come under armed attack in the Gulf of Aden.
- Instructed by the time charterers in a high-value LMAA arbitration involving multiple alleged instances of underperformance and deviation.
- Instructed by the time charterers of a bulk carrier in an LMAA arbitration arising out of the vessel's cranes all suffering breakdowns while loading, resulting in significant consequential losses.
- Instructed by the owners of a bulk carrier in an LMAA arbitration arising out of allegations that the Master had failed to comply with loading instructions and port regulations.
- Advised shipowners in relation to their time charterers supplying off-specification bunkers, leading to consequential losses.
- Advised shipowners in relation to their entitlement to withdraw the vessel from their time charterers' service upon the late payment of hire.
- Advised time charterers in relation to the validity of redelivery notices sent "without guarantee".
- Advised time charterers in relation to the proper construction of a bespoke quarantine clause.

Voyage charters/contracts of affreightment

- Instructed by the charterers of multiple vessels in an 8-figure LMAA arbitration concerning the alleged repudiation of long-term consecutive voyage charters and unpaid demurrage.
- Instructed by the shipowners in an LMAA arbitration concerning demurrage which raised complex factual issues involving inconsistent laytime statements/statements of facts and conflicting weather data.
- Instructed by the carriers in an LMAA arbitration concerning alleged breaches of a booking note.
- Instructed by the shipowners in an LMAA arbitration concerning the alleged frustration of the voyage charter due to the closure of the UN-administered Ukraine grain corridor.
- Instructed by the shipowners in a high-value LMAA arbitration concerning the calculation of demurrage, involving the prolonged detention of the vessel at the loading port.
- Advised shipowners on their entitlement to terminate a voyage charter where the charterers failed to provide a cargo to load.

Bill of lading/cargo claims

- Advised shipowners on their entitlement to "clause" bills of lading in circumstances where the charterers insisted on the issuance of "clean" bills

- Advised shipowners in relation to a claim by cargo interests arising out of two different liquid cargoes being mixed at the discharge port
- Advised shipowners in relation to their liability to cargo interests in a dispute over whether the bills of lading were owners' bills or charterers' bills

Shipbuilding/sale of ships

- Instructed by the buyers in relation to an 8-figure LMAA arbitration arising out of a shipbuilding contract, involving the arrest of the vessel over alleged non-payment.
- Instructed by the buyers in relation to a high-value LMAA arbitration arising out of a shipbuilding contract, involving allegations of a defective vessel being delivered (led by Rupert Hamilton).
- Advised the buyers of a second-hand vessel in relation to latent defects in circumstances where the buyers had waived the right to physically inspect the vessel prior to delivery.