

PROFILE



Foreign Counsel
Energy and Projects
Corporate
Competition
Construction
Mining & Civil Works
Real Estate

M&A

Makarim & Taira S., Jakarta, Indonesia

Ben.Clanchy@makarim.com

T +6221 5080 8300, 2521272

Qualifications

LLB (Hons I), Australian National University

BA/BSc, Australian National University

Graduate Diploma of Legal Practice, College of Law

Graduate Certificate in Translation Studies (Indonesian), University of Western Australia

Language

Native English, Bahasa Indonesia

BEN CLANCHY

ABOUT BEN

Ben has extensive experience of the Indonesian legal and broader business environment. He initially spent three years in Jakarta as an Australian diplomat before practicing for a decade as foreign legal consultant at Makarim & Taira S. In 2018, he returned to Australia and worked in-house at the ASX-listed companies Fortescue, one of Australia's largest iron ore miners, and mining services provider Macmahon. In 2025, he rejoined Makarim & Taira S. in Jakarta.

In Indonesia, Ben's practice has covered M&A, construction, and competition law and investments in real estate and renewable energy. At Fortescue, he supported large-scale green hydrogen initiatives across Southeast Asia, the Middle East, and North Africa. During this time he also took up the role of internal competition counsel for the Fortescue Group.

Ben has acted for Oji Paper, New Forests, Lufthansa Systems, BP, the Australian Embassy, Marriott Vacations, Monsanto, Pertamina Geothermal Energy, Krakatau Steel, Arnotts and GE, among others.

EXPERIENCE

- Early-stage negotiations on GW-scale renewable energy projects in MENA countries for FFI with governments, SOEs and private companies.
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- Negotiations with provincial governments and SOEs in Indonesia in respect of renewable energy project concessions, partnership arrangements.
- Due diligence on renewable energy projects in central Asia.
- Geothermal SOE – negotiations re EPC contract amendment with Japanese contractors, contentious latent conditions occurrence, construction delays;
- Geothermal SOE – amendment to EPC contract with US contractor following performance delays;
- Advise Singapore branch of oil major on project tendering under construction law, for oil storage terminal as part of local JV;
- Advise US firm on construction contract matters re new offices;
- Geothermal contract amendment and financial close;
- Negotiate EPC blast furnace contract with PRC SOE.
- Mining services agreements – tender review and drafting, negotiations, contentious matters;
- Civil works agreements – tender review and drafting, negotiations, contentious matters;
- Assist in equity investments – acquisitions and new business establishment;
- Manage legal aspects of procurement transactions, documentation and processes, contentious matters;
- Manage SIAC arbitration and related litigation arising out of mining project; manage input into commission of inquiry into potentially litigious legacy civil works project; manage interests in insolvency process in committee of inspection.
- Draft and negotiate transportation project for fleet of used mining trucks from Chile to Australia, manage contentious matters arising.
- Listed US hotel company re acquisition of land and build of two greenfield hotels, due diligence over other candidate properties;
- Local subsidiary of listed US co.: divestment of several real property assets;
- Foreign government: divestment of real estate assets;
- Foreign government: re leases for consulates;
- Oil major terminal joint venture project, purchase of real property;
- Australian food subsidiary of US listed firm re acquisition of factory;
- Australian subsidiary of US listed firm re extension of title, title rectification matters;
- Singapore subsidiary of US forestry fund purchase of 35% stake 100,000ha forestry concession;
- Japanese listed firm purchase of 35% stake in 100,000ha forestry concession, followed on by security documentation for loan into JV;
- ASEAN-based real estate developer: advise re commercial assets, structure transactions, due diligence on geothermal and mini hydro assets.
- Advise Indonesian SOE oil company re geothermal assets divestment;
- Australian listed mining major: sale of Indonesian manufacturing assets;
- Sell factory/light industrial property;
- Singapore chocolate manufacturer, sale of Indonesian assets to EU firm;
- Assist German bidder for purchase of Indonesian retail chain assets;
- Restructure of local entities, subsidiary of listed US life sciences company;
- Insurance JV between regional bank based in KL and Indonesian insurance firm.
- Merger control filings for Korean, Japanese, German industrial firms, trading houses;
- Purchase of illumination and detection solutions factory for US firm;

ACCOLADES

The Legal 500

Awarded a Hall of Fame in M&A and Projects & Energy in the Legal 500 2023.

Chambers Global

Highly Ranked in Projects & Energy and M&A in Chambers Global 2021-2023.

Chambers Asia-Pacific

Highly Ranked in Projects & Energy and M&A in Chambers Asia-Pacific 2021-2023.

IFLR1000

IFLR Asia Pacific Awards, shortlisting for Deal of the Year – Mergers & Acquisitions, 2021.

APPOINTMENTS/MEMBERSHIPS

- Supreme Court of NSW; Practising Certificate, WA (current)

PUBLICATIONS

- Foreign investment and licensing, competition law, anti-corruption, general corporate and commercial, consumer law, employment, environment, agriculture and life sciences, forestry, specialised litigation briefing on constitutional law cases.
- Compliance training: competition law, FCPA, anti-corruption.