

## GAR Lifetime Achievement Award for Professor Dr. Karl-Heinz Böckstiegel

Paris, 4 April 2019

### Introduction by Professor Albert Jan van den Berg

It is a honour and privilege for me to introduce the Lifetime Achievement Award for Prof. Karl-Heinz Böckstiegel. A truly remarkable man.

Prof. Böckstiegel was born in 1936. [slide 3] You see here a portrait of the happy young Karl-Heinz. That must be around the age of 6. He loved sports. Yet, at the age of 10, his parents wanted him to do something more cultural. Prof. Böckstiegel was to play the violin. His parents, however, did not realize that on the way to the music teacher there was a soccer field. The violin was found behind the goal. Prof. Böckstiegel preferred soccer. That is not to say that he doesn't like culture—he is an avid reader; James Joyce is his favorite author. But sport was what he really liked. And he was very good at it. He ran hurdles, did high jump and long jump [see pictures]. In his twenties, he discovered the wonders of golf. It became his passion. He once won a Pro Am tournament with his hero Bernhard Langer. Langer was then 19 years old. At his prime, he had handicap 4. Prof. Böckstiegel is the living evidence of the maxim *mens sana in corpore sano*.

Talking about *mens sana*, Prof. Böckstiegel studied law at an impressive suite of universities in 1960s: Heidelberg, Hamburg, Bonn, Cologne, Boston, Geneva, and Paris. He then joined a law firm for a brief period where he specialized in antitrust and foreign trade. At the same time, he wrote his doctoral thesis on protection of property in international law (1962). The University of Cologne liked that thesis and invited Prof. Böckstiegel to write what the German universities call a *Habilitationsschrift*. That is a master thesis in the true sense of the word—huge in size and in content. Once you have completed that book, you are entitled to become professor. Our French colleagues here have a similar process—the *agrégation*. He wrote a PhD on States as party to contracts with foreign private parties (1971). The University of Cologne was so happy about the PhD that they created a chair at the university for Prof. Böckstiegel. He tenured until 2001.

Another happy occurrence at law school. When writing his *Habilitationsschrift*, the young Karl-Heinz needed someone to proofread. He looked around and noticed a charming student assistant by the name of Almut (Ali). One evening when both Karl-Heinz and Ali were still at the institute, Karl-Heinz approached Ali and asked whether

she could do the proofreading also during the weekend. Ali answered: “yes”. Silence. Karl-Heinz pretended to find a date in his agenda, then suddenly said: “Nonsense, I wanted to invite you for dinner!” A half year later, they were married. [slide 4]

How did Prof. Böckstiegel get involved into arbitration? In the early 1960s, he was an intern (*Referendar*) at the ICC. He was lucky as he was to work for the legendary ICC Secretary General Frédéric Eisemann for three months. That led him to publish a paper in the *AJIL* in 1965 on “*Arbitration of Disputes between States and Private Enterprises in the International Chamber of Commerce*”. When he was in private practice at the end of the 1960s, he negotiated various contracts for a German steel company and learned the lesson that a fair percentage of those contracts go to arbitration.

Then came the turning event of Prof. Böckstiegel’s professional life: he attended an ICCA Congress! This one in Moscow in 1972. [slide 5] There he was spotted by two German arbitration dinosaurs at the time: Arthur von Bülow (Secretary of State of the German Ministry of Justice) and Ottoarndt Glossner (General Counsel of AEG). These two had formed the German delegation to the UN Conference in New York 1958, negotiating the New York Convention. After the ICCA Congress in 1972, they asked the young Böckstiegel to co-found the DIS—German Institute of Arbitration. The DIS became a success story. In 1996, Prof. Böckstiegel became its President for 16 years.

In 1973, he got his first appointment as arbitrator in an ICC case between a French company and the Greek State.

Attending an ICCA Congress, writing a PhD thesis on contracts with States and having been an intern at the ICC appear to be a recipe for success. [slide 6] In 1983, Prof. Böckstiegel was asked to be the President of the Iran-US Claims Tribunal in The Hague. A job for which he was imminently qualified not only because of his knowledge about arbitration but also because of his great physical shape: when he came, two Iranian arbitrators had just tried to strangle a neutral (Swedish) arbitrator—Mexican *Las Luchas* arbitration style. Prof. Böckstiegel was able to restore order and get cases moving. As he observed diplomatically, his predecessor “hasn’t been so interested in case management.” It is here where he developed the now famous “*Böckstiegel Method*”. It is a procedure that limits the time available for each side to present its case and examine witnesses and experts but gives the parties discretion over how to divide up that time.

It has become the baseline method for hearings in international arbitration. Prof. Böckstiegel has a virtual chess clock—others adopt the Böckstiegel Method “with flexibility”. Some have an expansive view on the Böckstiegel Method. In any event, it

showed the insight of Prof. Böckstiegel that international arbitration does not only require understanding of the substance of a case, but also that international arbitration is process driven.

These are matters of substance and process. For me, another aspect of Prof. Böckstiegel also stands out. He is an ethical arbitrator at the highest level. His moral compass is an example for everyone. His ethical integrity was also recognized by his peers in ICCA: they appointed him to the most difficult committee in ICCA's history: the Transition Committee. The task of the Committee was none less than migrating ICCA from a perpetually self-reappointing body of aging men to a modern and vibrant organization that ICCA is today. I just return from the latest Governing Board meeting in Mexico last week. The report is that he has fully succeeded.

[slide 7] Prof. Böckstiegel is a cat lover. As his wife Ali described to me:

“He simply adores these animals. Since our marriage we have always had cats! Not beautiful breed cats, but social cases that were brought to us because people knew we would adopt them. They all got, of course, special names, like *Pretty Polly, Rapunzel, Rosine, Dulcie, Conte Fosco*. So when you imagine Karl-Heinz relaxing, reading the newspaper or watching a golf tournament or a soccer game on TV, you always see a cat sitting on his lap, purring and looking up to him with adoring eyes!”

Being myself a dog owner, I tried to find out why someone would be attached to a cat. Internet search was shocking—for me: in an article on dog's genetic wildness, I read: “Stop coddling your dog—he's 99.9% wolf”. There are many studies about dog and cat lovers. What comes out of them is that cats are really intriguing animals. They are more independent than dogs but are equally, or even more, affectionate to their owners. Studies show that cat people are also found to be more artistic and intellectually curious than dog people. That explains it all.

Prof. Böckstiegel was not only a President at IUSCT (1984-1988) and DIS (1996-2012). Actually, he was President of almost everything. To name a few: LCIA (1993-1997); United Nations Compensation Commission (1994-1996); German Association for International Law (1993-2006); International Law Association (2004-2006); The Patron, Chartered Institute of Arbitrators (2008-2010).

[slide 8] Above all, he was frequently Presiding Arbitrator of the most influential arbitral tribunals in both commercial arbitrations and investment arbitrations. I myself had the privilege and pleasure to sit with Prof. Böckstiegel in a number of cases. I can testify first hand that he is a first class president of the tribunal. Moreover, deliberations are a

special treat. They take invariably place in *Schloss Bensberg*, a castle near his home in Bergisch-Gladbach, located in the vicinity of Cologne. The environment is grand, conducive for convincing any arbitrator to go along with his always wise decisions. The area also has the highest concentration of Michelin three star restaurants. But I soon discovered that the best chef was at his house.

During his professional life, Prof. Böckstiegel was not only one of the world league arbitrators. He was also a prolific writer. In the field of arbitration, he published more than 150 books and articles.

Prof. Böckstiegel's achievements are not limited to arbitration. He has equally contributed to air and space law. Reason for which, when he turned 65, the unique thing happened that one receives not one but two *libri amicorum*—one for arbitration and another for air and space law.

[slide 9] Talking about age, for a long time, I had set for myself the professional age limit at 75. When I recently saw Speaker of the House Nancy Pelosi, I happily moved that age to 79. Seeing you Karl-Heinz today, you make me even happier—arbitrator life is like swimming in a professional infinity pool.

On behalf of all of the arbitration community here present tonight and everywhere else in the world, we want to thank you from the bottom of our hearts for your invaluable contributions to arbitration. You fully deserve the GAR Lifetime Achievement Award!

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