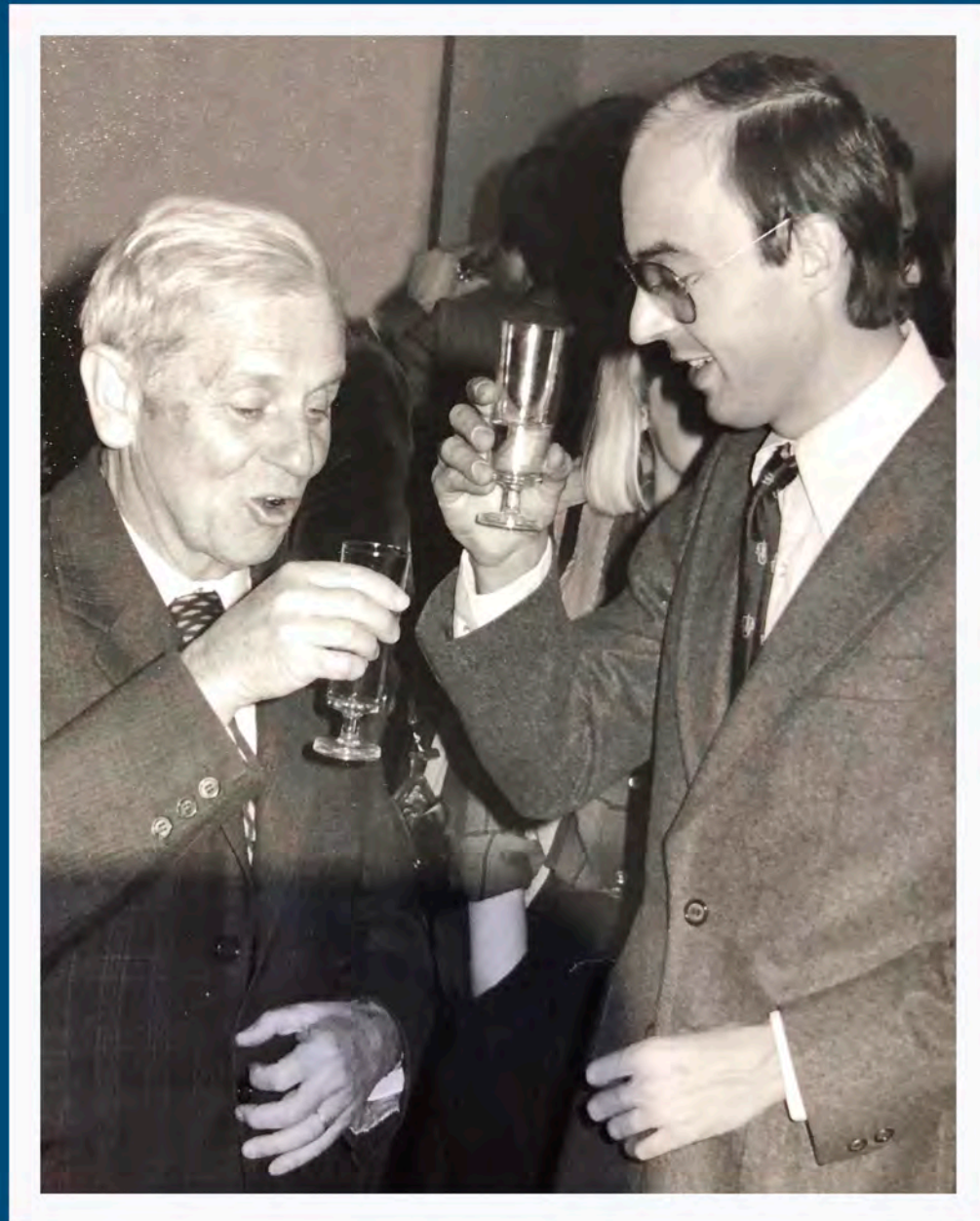


General Editor ICCA Publications

Albert Jan

van den Berg



With thanks from ICCA

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Teresa Cheng

Donald Donovan

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THANK YOU

an introduction

TO ALBERT JAN VAN DEN BERG AND ICCA

Introduction

43 years ago, Professor Pieter Sanders sent a letter to Albert Jan asking him to assist with the editing of a new publication. The publication would be called the ICCA Yearbook Commercial Arbitration. This correspondence marked not only the beginning of Albert Jan's relationship with ICCA, but the beginning of ICCA Publications, too.

Just a few months after receiving that letter, Albert Jan moved into the attic of Prof. Sanders' home in Schiedam to work on ICCA's first publication. We all know the rest of this story: in the years that followed, Albert Jan and Prof. Sanders brought two more ICCA Publications to life, the ICCA International Handbook and the ICCA Congress Series, and when Prof. Sanders decided to retire in 1986, he handed over the reins to Albert Jan who served as General Editor ICCA Publications for 32 years before retiring from the role in 2018.

This book offers just a glimpse into the 40-plus years that Albert Jan spent working on ICCA Publications and with ICCA. It is filled with forgotten images and beloved memories and brims with gratitude and camaraderie. It tells the story of a small project that started in a home office in a suburb in the Netherlands and became an internationally recognised resource for arbitration practitioners worldwide.

These 62 pages also shed a light on Albert Jan's remarkable journey with ICCA and the people he met along the way, featuring a truly special collection of photographs, anecdotes, messages and other memorabilia provided by fellow ICCA Governing Board Members, colleagues, past and present, and friends.

As a practitioner, an arbitrator, a scholar and as a former ICCA President, Albert Jan has had a profound effect on the field of arbitration. ICCA and its publications have benefitted immensely from Albert Jan's insatiable curiosity. As former ICCA President Jan Paulsson expresses it in his tribute on page 36, "I viewed Albert Jan not only as a connoisseur of the New York Convention but also as its Sherlock Holmes, always on the lookout for evidence of decisions from an unusual jurisdiction which was being confronted with the important Issues of the Convention for the first time."

It has been an honour to have one of arbitration's leading figures serve as the General Editor of our publications.

As we know him to be an active ICCA Advisory Board Member, a regular Mentor in the Young ICCA Mentoring Programme and a constant supporter of ICCA Publications and ICCA New York Convention Roadshows, we know that Albert Jan's journey with ICCA is far from over. We look forward to continuing our work together and to collaborating on new projects – as do many of the contributors to this book.

In her tribute to Albert Jan on page 32, ICCA President Professor Gabrielle Kaufmann-Kohler writes: "I do not remember ICCA without Albert Jan, and neither do I remember the arbitration community without him." While some members of the arbitration community probably can remember a time in ICCA and the field's history without Albert Jan, they cannot say the same of ICCA Publications.

Albert Jan, thank you for your time, your effort and your commitment. Most of all, thank you for playing a starring role in ICCA's publications.

The ICCA Bureau

tributes

TO ALBERT JAN VAN DEN BERG

On the beginning of ICCA Publications

As told by Albert Jan van den Berg

"Halfway through my studies at New York University I received a letter from Pieter Sanders. He had been appointed as the General Editor of the Yearbook Commercial: Arbitration by the International Council for Commercial Arbitration (ICCA). The Yearbook would contain national reports, arbitral awards, court decisions and articles. He asked me if I would be his collaborator and assist him with the editing of the Yearbook. According to him, I would be able to combine the editorial work with writing my thesis. It seemed like a good idea to me, but I had already made plans to hitchhike from New York to Peru. I wrote back that I happily accepted his offer, but I first wanted to explore Latin America. Looking back, it was a rather presumptuous letter. Who wouldn't immediately accept an offer from Pieter Sanders? Pieter answered that he agreed that foreign travel was very important and that he could manage in the meantime.

"I began to work with Pieter Sanders in July 1975. The circumstances were quite unusual. I was supposed to work half days at 800 guilders (approximately US\$ 400) a month, so that I could devote the rest of the day to working on my thesis. In reality, there was only one uninterrupted workday, and that was for Pieter Sanders: starting on Monday morning at 7:30 and finishing at 6:30 on Friday evening. I worked in a small office space and slept in an attic bedroom.

Weekends were for the thesis."

First published in Piet Sanders' memoir *Herinneringen*, published in 2009

1968

Albert Jan van den Berg enrolls
at the University of Amsterdam's
Law School

On the beginning of ICCA Publications

As told by Pieter Sanders

groot aantal landen. In Nederland bevindt die zich in Den Haag. Een belangrijke activiteit van de ICC vormt arbitrage onder haar arbitragereglement.

De Commissie voor Arbitrage is een van de vele commissies van de ICC. Afgevaardigden uit de verschillende afdelingen nemen eraan deel. Men zou haar een 'parlement' op het gebied van (internationale) arbitrage kunnen noemen. In de laatste jaren mocht ik deelnemen aan de kleine kring die, de avond voor elke vergadering, bijeenkomt om deze zo veel mogelijk voor te bereiden.

Zelf heb ik aan een aantal ICC-arbitrages deelgenomen. Meestal als voorzitter van een tribunaal van drie, een enkele keer als enige arbiter. Vooral in eenvoudige arbitrages wordt daaraan de voorkeur gegeven, gezien de aan arbitrage verbonden kosten. In de arbitrage moeten de partijen de arbiters, hun particuliere rechters, zelf betalen. Daarnaast brengt een arbitrage-instituut als de ICC administratiekosten in rekening. ICC-arbitrages vinden meestal plaats in Parijs. Zij kunnen echter overal ter wereld plaatsvinden. Zelf heb ik er een in Soedan gehad. Een andere waaraan ik levendige herinneringen bewaar betrof de bouw van een universiteit in Riyad, waarover wel dertig geschilpunten gerezen waren.

ICCA

Ook bij de ICCA (International Council for Commercial Arbitration) was ik vanaf het begin betrokken. Voor de oprichting van de ICCA moeten we teruggaan tot de besprekingen in Genève over de European Convention on International Commercial Arbitration, 21 april 1961. Met enkele bevriende gedelegeerden ging ik geregeld voor de lunch naar een op loopafstand gelegen herberg in Chambéry. Aldaar is het idee voor de oprichting van de ICCA geboren.

ICCA is een club van deskundigen op het gebied van arbitrage. Zij telt thans een veertigtal leden, die zelf voor aanvulling zorgen. Door de Verenigde Naties is zij erkend als NGO (non-governmental organization). In Parijs werd de ICCA opgericht ten huize van de advocaat Jean Robert. De statuten werden ontworpen door Howard Holtzmann, advocaat in

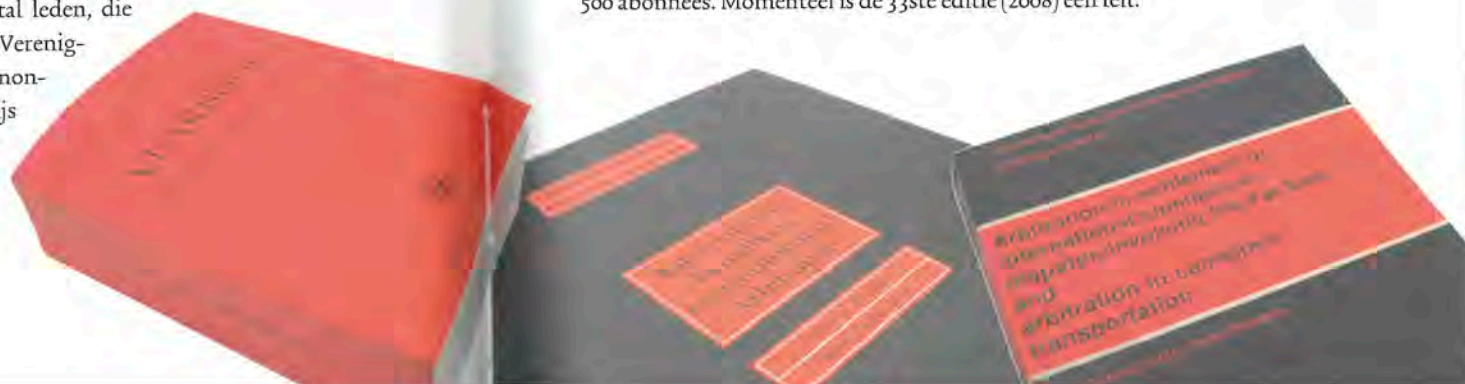
New York. Het eerste congres vond in Parijs plaats (1961), het tweede in Rotterdam (1966), waar ik decaan van de juridische faculteit was. Jean Robert was de eerste president van de ICCA. Ik ben hem opgevolgd.

Jean Robert was een van mijn beste arbitragevrienden. Hij was de zoon van admiraal Robert, die met generaal Charles de Gaulle tijdens de Tweede Wereldoorlog de Franse troepen leidde. Een zoon van Jean kwam tijdens een vakantie bij ons zeilen in Friesland. Onze oudste zoon logeerde in die vakantie bij hen, in hun vakantiehuis, een kasteel buiten Parijs.

De ICCA organiseert niet alleen congressen over arbitrage, die steeds zeer druk worden bezocht. Ze onderhoudt ook een uitgebreid programma van publicaties. Sinds 1976 verschijnt jaarlijks ICCA's Yearbook Commercial Arbitration. Daarnaast nam ik ook het initiatief voor het Handbook van de ICCA. Dat is een losbladige uitgave (thans vier delen), waarin de tekst van een zestigtal belangrijke arbitragewetten is opgenomen met commentaar daarop van een deskundige uit het betreffende land. Van de door ICCA georganiseerde congressen verschijnen na afloop de ICCA Congress Books.

De eerste jaren werden deze publicaties voorbereid op mijn kantoor in Schiedam. Daarna gebeurde dat op het Asser Instituut en vervolgens op het Vredespaleis, waar de ICCA voor haar publicaties gastvrijheid is verleend door de Permanent Court of Arbitration (PCA). Als general editor fungeerde na mij prof. Albert Jan van den Berg. Voor het Handbook is dit thans Jan Paulsson, advocaat in Parijs. Al het voorbereidende werk voor deze publicaties wordt in Nederland uitgevoerd, jarenlang onder leiding van Judy Freedberg, thans door Silvia Borelli, terzijde gestaan door enkele assistenten.

De uitgever van de ICCA-publicaties is Kluwer. Het Yearbook Commercial Arbitration was Kluwers eerste internationale publicatie op arbitragegebied. Daartoe kon ik hen indertijd slechts overhalen door een garantie te geven van minstens 500 abonnees. Momenteel is de 33ste editie (2008) een feit.



56

HERINNERINGEN

An extract from *Herinneringen*

1974

Albert Jan is introduced to Prof. Pieter Sanders by Prof. René David

Rosabel Goodman-Everard

Former Director of the Asser Institute International Arbitration Department

First encounters

In May 1979, almost 40 years ago, I had an interview for the position of Director of the International Arbitration Department at the Asser Institute. I would be replacing Albert Jan van den Berg (who was then not yet 30 and not yet a Doctor) both at the Institute and at the Schiedam office held by the father of international arbitration, Professor Pieter Sanders. Back then, international commercial arbitration was very different from what it is now; it was "the hobby of a handful of aficionados" (a phrase coined by Jan Paulsson), most of whom were men.

Back to May 1979: I was first interviewed by the Director of the Asser Institute, and then spirited away by Albert Jan in a large BMW to Schiedam. We chatted easily on the way to Schiedam; Albert Jan convinced me of how important and special Piet was and assured me that if I got this job, subsequent jobs would magically fall into my lap (he was right). By the end of the day, Piet and I had become firm friends. He called the Director of the Asser Institute and told him that I should be hired. The Director mournfully answered that this would be the one and only mistake of Piet's life and the end of the Asser Institute, but as always, Piet won.

During my first 3 months at the Asser Institute, I became Albert Jan's sidekick as he tried to mold me into a worthy successor. There were no computers yet, just a lot of paper, and scissors, and glue. This I liked. Albert Jan and I sat in an office at the back, our two desks facing each other, Albert Jan writing and me cutting and pasting; it was quite cozy. It wasn't my first job, but I had never sat in a chair for that long. On my first day, after two hours I asked if I could leave the building for a bit. Albert Jan's eyes opened wide and he asked, "Leave the building? Why?" I replied that I needed

to take a walk. Only 10-15 minutes. Please? I don't remember if Albert Jan let me take that walk, I only recall his complete and utter amazement. A walk? What will she come up with next?

Working with Albert Jan

Every Wednesday, Albert Jan and I would meet in Schiedam for the day to work for and with Piet. There, Albert Jan would instruct me in all things Piet, which included the handling and care of Ida, Piet's wife, a regal but mischievous presence in a wheelchair. There was also the "no flowers" rule, apparently flowers would clash with the modern art that filled Piet's home (I changed that rule). Albert Jan once confessed, in a loud whisper, that he wasn't interested in that kind of art, but that he was learning and trying, and that I should too. Piet once took us to the graphic art department of Erasmus University Law School (his brainchild and his donation). Behind his back, Albert Jan and I made sophomoric remarks about the art looking like tea towels and other undignified comparisons while unsuccessfully trying not to laugh out loud. Piet found this irritating but also endearing and declared we should get married.

Together with our American assistant Judy Freedberg, who ultimately succeeded us both and became a lawyer in her own right, we formed a close-knit, little family around Piet. The unwritten law governing all of us, including Piet, was that Piet always came before the Asser Institute, and pretty much everything else too.

It was a bit of a sad day for Judy and me when Albert Jan disappeared from our daily lives to become an attorney at Van Doorne & Sjollem in Rotterdam. He visited regularly though, so we could continue teasing him about his snazzy cars, snazzy ties and his admiration of snazzy women, as well as his extreme

1975

The Vth ICCA Congress takes place in New Delhi and the ICCA Yearbook is born

workaholicism and his adulation of Piet. Piet's wife Ida and his secretary, Mrs. Westerveld, were close allies when it came to this.

Truth be told, Albert Jan didn't make time for much but work, and he didn't have a girlfriend – or not that we knew. But, like Piet, he had a weak spot for “gezelligheid”, a particular brand of Dutch social coziness, warmth and cheer. He and Piet also shared a love of gossip, for which the arbitration world offered ample fodder.

Adventures with Albert Jan

Albert Jan was forever writing his dissertation on the 1958 New York Convention, and it was almost always with him. There used to be a peculiar feature in the arcane world of Dutch dissertation writing that the last one or two of the hypotheses on which a dissertation is based should be funny, and unrelated to the subject matter. Albert Jan came upon that final hypothesis in Warsaw, where we were for the 1980 ICCA Congress, underneath the statue of Chopin in Warsaw's Łazienki Park – a happy Eureka moment. I wish I remembered what that hypothesis was...

Once I had to go to London for meetings and Albert Jan decided he wanted me to bring a copy of his dissertation for somebody there. Expecting a binder, I readily agreed. We decided that he would drop off the copy at my office. He cleverly completed the drop off when I was not in office. Probably because he knew I would have enthusiastically wrung his neck when I saw that his thesis was a pile of five suitcases, small ones, but still, suitcases, and FIVE of them. Judy beamed at me when she saw the suitcases. “He'll have to treat you to quite a dinner,” she said happily.

I agreed that that would be a great form of sweet revenge, and Albert Jan agreed it would be futile to refuse. Once in London, he asked me impatiently, “So where shall we eat? I don't have much time”.



Albert Jan, Rosabel Goodman-Everard and René David at the Lausanne Interim Meeting in 1984 (top); Albert Jan and Rosabel at the same meeting in 1984 (bottom)

1977

ICCA Publications moves
to the Asser Institute

"Oh," I said with a smile. "I've heard of this amazing place!" and then delivered the coup de grace: "Piet said it is great. It's called The Dorchester." Albert Jan gave me a wild stare, he was like a deer caught in the headlights. He knew he had lost the battle, but he had lost it well.

The evening started with champagne, fabulous food and wine followed, and there was a band playing requests from the audience. Albert Jan requested the Sirtaki, and the Sirtaki they played. Soon, the entire dining room population was on its feet. "It's getting very full here," Albert Jan hollered into my ear, "let's get onto that table." And thus, cheered on by a crowd of chic and tipsy Brits, Albert Jan and I danced the Sirtaki, on a table, in the Dorchester.

Albert Jan and I had spent a lot of time touring Warsaw together with Roel Pels, a good friend of Albert Jan's and a force to be reckoned with in Rotterdam commodity arbitration. Soon after meeting in Warsaw in 1980, the three of us found ourselves together again in New York. We decided to rent a limo to go dancing at Studio 54, a well-known New York den of early 1980s debauchery visited by the likes of Madonna, Andy Warhol, Mick Jagger and pretty much everybody else who was famous in those days. Joined by Antonias Dimolitsa, we set off for the club. As we approached the venue, we saw a crowd of hundreds upon hundreds obscuring the entrance. Our hearts sank. The chances of getting in seemed infinitesimal. But as the limo pulled up, the crowd suddenly split, like the Dead Sea before Moses and the Israelites, and let us through, madly cheering as if we were celebrities. We waved at them, walked straight past the respectfully nodding bouncers, and in through the doors. We have never understood what caused this strange miracle.

Several years later, Albert Jan, Judy and I gathered together

once more, this time for the 1986 ICCA Conference in New York, which I had organized as part of my job at the American Arbitration Association. One evening, my husband Ron and I, John Tackaberry and his Californian girlfriend (lawyer and a hoarder of State Bar admissions), Judy and Albert Jan had gone out for dinner. Albert Jan was incredibly tired. While our little group was making merry in Albert Jan's suite, he excused himself briefly. After he'd been gone for a while, we set out to find him. We found him, collapsed in a chair, limbs sticking out in all four directions of the wind. We removed his shoes and jacket and a few more items, laughing hysterically, and tucked him in like a toddler. Then we continued the party. An hour or so later – we were still in his suite – Albert Jan reappeared in a dressing gown, owlshly wondering what we were doing in his living room and did anyone know where his clothes were?

Albert Jan had spent a year or two in Saudi Arabia at the law firm of Salah Al-Hejailan, a Saudi sheikh, in Riyadh. There were many tall stories from his time in Saudi Arabia, such as an offer of the hand in marriage to the sheikh's daughter, and handouts of diamond watches to interns. While I was organizing the 1986 ICCA Congress, Albert Jan gave me the task of convincing Salah Al-Hejailan to attend. Clearly this was of the utmost importance, and he called regularly to find out if I had made any progress. He made out that this task was almost impossible and so I procrastinated badly on completing it. Finally, I made a last-minute cold call to the sheikh's office. His (male) secretary put me through immediately, and that was that (like that was hard).

Al-Hejailan arrived at JFK in his private plane, out of which came his private, white Rolls Royce to drive him to the Waldorf Hotel where the Congress was taking place and where he had a six-bedroom suite in the Towers. I believe he owned that suite.

1978

ICCA's VIth Congress takes place in Mexico City

He gave a party and there were many arbitration friends present as well as exotic ladies and a band that played Viennese waltzes (at precisely 11pm the lights went off and on again, signifying the end of the party). We got into conversation with a tall and very blonde Swedish woman, a friend of the sheikh's. "Who is that?" Albert Jan asked her, eyeing a very beautiful Saudi woman. The Swedish woman cast a casual glance over her shoulder. "That?" she asked and then answered with a totally straight face, "That is bedroom number 4."

Playing matchmaker

I lived in New York at the same time as one of my cousins, who worked for the UN. She introduced me to a Dutch/Belgian colleague there, Pascale de Wouters d'Oplinter, and soon the three of us became a trio of ladies who lunch. Pascale was pretty, with long chestnut hair and envy-inducing upper arms. I knew Albert Jan greatly admired arms like that – he never hid his interest in the fairer sex. Pascale was also a lawyer. When she made the decision to leave New York and go back to the Netherlands, she asked me if I had any ideas about a job for her. It so happened that Albert Jan had, just the day before, asked if I knew anyone who could come and reinforce his legal team. An idea took hold – and a sly plan was hatched. Actually, it wasn't so sly: I simply told Albert Jan that I knew a nice, beautiful and smart lawyer who was looking for a job in the Netherlands. I also told him that he and she might well click on a romantic level. I staged a meeting at the Waldorf. A few days later he called me. "I've hired her," he said, "and I'm going to marry her."

Albert Jan has always denied that I had a hand in this, but I have evidence.



Rosabel Goodman-Everard and Salah Al-Hejailan in New York in 1986

1979

Rosabel Goodman-Everard joins
the ICCA Publications team

Judith Freedberg

Former ICCA Publications Managing Editor

Dear Albert Jan,

I still even remember what I was wearing for my initial interview in August, 1979, at the T.M.C. Asser Instituut with you and Bette Shifman because it was a day that opened a door to a new career and two long friendships. In a matter of days I was immersed in the world of international commercial arbitration, classifying documents, preparing publications, and reviewing the drafts of your doctoral thesis. There has been a constant from that day until the day that I am writing this... you.

There have also been many changes and moves. Leaving Asser and The Hague for your first position in a law firm in Rotterdam at Van Doorne & Sjollema, the excitement of your first case involving an arbitration, achieving your PhD cum laude and later becoming a hoogleraar, a sojourn in Riyadh with Salah Al-Hejailan, moving to Stibbe and then to Freshfields in Amsterdam — all culminating with Hanotiau & van den Berg in Brussels, a law firm bearing your name. Buying a condo in the Mutiny in Coconut Grove has brought you back to our Miami neighborhood. I shared in so many of these changes, preserving some memories with a faded dinner menu from the Johannahoeve and a copy of your intrede rede at Erasmus.

The ICCA publications have expanded from a pioneering Yearbook to a trio of standard works, the Yearbook, the Handbook and the Congress Series. In addition, a long list of associates has assisted with the publications. There have been a few bumps in the road, but you always found a creative and positive way to smooth them out. I often teased you that these ideas were inspired by Edward de Bono and his course on “lateral thinking”. I still remember how enthusiastic you were about his theories at the time. However, you are always enthusiastic about the project of the moment, which has made it so much fun to participate.

Stay as enthusiastic as ever.

Warmly,

Judy

1980

Albert Jan moves into law firm practice at
Van Doorne & Sjollema



Albert Jan and Judith Freedberg at the University of Miami School of Law in 2010

1981

Judith Freedberg joins the
ICCA Publications team

The Honorable Marc Lalonde

ICCA Advisory Board Member

Our relationship goes back quite some time; in fact, it was a time when we still had some hair on top of our heads. It started with my first international arbitration case (CEA v Iran) sometime in 1986, which was chaired by dear Pieter Sanders. I remember Pieter telling me that he would like to be helped in his task by a brilliant young doctor-in-law who was already giving him a hand in other cases and with ICCA and other publications. He asked me whether I would have any objection; I told him that I could not see any reason why I would have any.

A lot of water has gone under the bridge since that time and it was a privilege for me to have you as a colleague on a tribunal or appearing as counsel or expert in some cases in which I was participating as arbitrator. Your deep knowledge of the law and your sense of humor were always greatly appreciated.

The world of international arbitration owes you a large debt for your contribution over the years not only for your work in actual cases but, I would say, even more so for your ICCA publications and the numerous learned articles and books you have published over the years. To this we must add your immense contribution to the administration of ICCA in the various functions you filled.

It was for me a privilege to have known you and have you as a friend.

1982

The VIIth ICCA Congress takes place in Hamburg
& Silvia Borelli joins the ICCA Publications team



Prof. Dr. Mathias Krafft, Prof. Dr. Jochen A. Frowein, Prof. W. Michael Reisman, Prof. Dr. Albert Jan van den Berg and Prof. Dr. Paul Lagarde serving on the tribunal concerning the Bank of International Settlements in the Great Hall of Justice in the Peace Palace

1983

The ICCA Congress
Series takes shape

Marcel Nieuwenhuis

Former International Sales and Marketing Manager for Wolters Kluwer

In 1985, smoking was a pretty commonplace activity - I remember that you were even allowed to smoke in planes, and many of us used to smoke cigars in restaurants too (just take a look at this picture of Prof. Sanders!). Many publishers, including Kluwer, would attend conferences and congresses and display their latest publications. Back then, Kluwer would display their latest publications and alongside the display, they would place a box of cigars and a box of matches. This of course was a small marketing trick to bring participants to the Kluwer stand and it did stimulate traffic, I must admit. After the lunch break, Albert Jan and Piet would very often come to the Kluwer stand for an after lunch cigar. And they didn't come alone, usually they would bring with six or seven other cigar lovers. They would smoke their cigars, look at the books and then wander off to the next session, after having placed their orders, of course. About 10 years later, a lawyer came up to the Kluwer stand and threatened to sue us for encouraging people to take up bad habits. We very quickly stopped offering cigars at conferences after that!

All the best Albert Jan!

1984

The ICCA Handbook is born



Clockwise from left: Albert Jan and Piet Sanders with the 10th Edition of the ICCA Yearbook; the ICCA Publications team celebrating the 10th edition of the Yearbook with their Kluwer counterparts; Publisher Daan Bos handing a copy of the Yearbook to Piet Sanders

1985

The 10th edition of the ICCA Yearbook is published

Johnny Veeder, QC

ICCA Governing Board Member

It was 1986. The Chief Justice's Court in Bermuda was old, hot, humid and not air-conditioned. Elsewhere, Bermudan menfolk survived with Bermuda shorts, either too long or too short by offshore standards, but always elegantly creased and worn with smart socks and brogue shoes. Unfortunately, Bermuda shorts were banned in the Court of the Chief Justice, unless Counsel could wrap his gown around his knobbly knees to hide the offensive objects from judicial eyes. Worse, we foreigners wore our shorts creased like paper bags, with the dignity of a sickly giraffe and socks hung around our ankles like damp rags. That was how I met, for the first time many decades ago (in the last millennium), Albert Jan van den Berg, already famous in England for the first edition of his work on the New York Convention (with the second edition then imminently awaited). He was one of our opponents in the Bermudan Supreme Court, resisting the enforcement of a foreign award made against a super-wealthy Dutchman in Bermuda who had a large black-hulled yacht with three masts and an all-women crew dressed in black. Our own clients being somewhat more proletarian, we watched the black ship sail past our public beach in the evening with more than a

tinge of envy, knowing that Albert Jan was doubtless aboard with chilled champagne.

It was not the best of times; but I learnt two things from Albert Jan in the Bermuda Supreme Court. First, arbitrators are often told that the reasons for their award should always address the losing party. The losing party (with its Counsel) always needs to know why it has lost, whereas the winning party usually does not care why it has won. However, there is often another important audience for an award's reasons: the enforcing foreign court under the New York Convention. It was revealing how what can be obvious to the parties in an arbitration, including the losing party, is not obvious at all to a foreign court with different legal traditions and a different legal language. There are many good awards which have stumbled on enforcement which might have been saved if the arbitrators had taken the trouble to accommodate their reasons to a foreign non-specialist court.

And the second thing? In the steamy heat of a Bermuda summer, unlike the judge, we saw Albert Jan's knees. Were they knobbly? He is too good a friend for me to disregard his right to privacy, just as I am sure that he will always respect mine...

1986

Albert Jan takes over the role of General Editor ICCA Publications & the VIIIth ICCA Congress is held in New York



Albert Jan and Johnny Veeder speaking at the 2012 ICCA Congress in Singapore

1988

The IXth ICCA Congress
is held in Tokyo

Karl-Heinz Böckstiegel

ICCA Advisory Board Member

Albert Jan has been a friend and colleague for so many years that it is with great pleasure I contribute to this splendid project, which honours his contribution to ICCA as General Editor ICCA Publications.

We first met during my time as President of the Iran-United States Claims Tribunal at The Hague. And I still remember that at that time Prof. Pieter Sanders said to me that Albert Jan was “the greatest success of my career as a university teacher”.

In my practice as an arbitrator, I have frequently been together with Albert Jan on the same tribunal. We never had a dissent between us in our awards, but rather found out that we had similar approaches to case management and substantive issues. This seems to have been the impression of some peers as well: Some years ago, two US law firms asked me whether I would be ready to chair a confidential moot arbitration they planned to conduct in preparation of a hearing in a large arbitration case. Since I had never done such a moot and found it interesting as an experience and I happened to have the time, I accepted. When I came to Los Angeles for the moot of several days, I found out that they were preparing a very large ICC case chaired by Albert Jan. At the end of the moot hearing, our tribunal issued a moot award which, of course, stayed confidential. However, a considerable time later, from a report on the actual case, I learned that Albert Jan’s tribunal had decided exactly as we had in the moot.

In my tribute to Albert Jan, I should not miss this opportunity to express my gratitude for his readiness to give the 2nd of the “Karl-Heinz Böckstiegel Lectures” which the German Arbitration Institution (DIS) organizes every two years.

Finally, I must put on record my admiration for Albert Jan’s well known efficiency. His many years as ICCA’s General Editor were accompanied by a number of other time-consuming activities for the ICCA Board regarding ICCA’s legal status, finances, and, of course, as its President. To cover that combined workload so successfully in addition to his work as one of the leading arbitrators worldwide was a task very few could have accomplished.

1990

Albert Jan is elected to the ICCA Governing Board along with Karl Heinz-Böckstiegel & The Xth ICCA Congress is held in Stockholm



Piet Sanders congratulating Albert Jan on his Professorship at Erasmus University Rotterdam in 1988 (top); J.M. Dupuis, Karl-Heinz Bockstiegel, Albert Jan van den Berg and Dirk Pulkowski at a hearing in the Peace Palace in 2013 (bottom)

1993
The XIth ICCA Congress
is held in Bahrain

Gwen de Vries

Director of Publishing and Content Development at Wolters Kluwer Law & Business

Als opvolger van Piet Sanders en editor van de ICCA publicaties gedurende 32 jaar heb ook jij een cruciale rol gespeeld bij de ontwikkeling van Kluwer's arbitrage fonds. Ons arbitrage fonds is in die tijd gegroeid van een print fonds met een paar publicaties tot een grote online database met tools. Jouw goed commercieel gevoel en bereidheid om nieuwe dingen te proberen hebben Kluwer altijd gesteund bij deze ontwikkeling.

Onze persoonlijke samenwerking is iets minder lang maar bestrijkt desalniettemin 23 jaar (vanaf 1995). Ik herinner me nog de verhalen over jou voordat ik de verantwoordelijkheid over het arbitragefonds kreeg: een international topadvocaat, altijd onderweg naar spannende oorden, heel druk zodat Piet toch maar weer achter de auteurs van het Handbook aanjoeg.

Onze eerste ontmoeting was bij een IBA congres waar jij een stampvolle zaal toesprak over de New York Convention. Juristen van over de hele wereld luisterden aandachtig naar jouw interpretatie van de meest recente uitspraken.

Ongeveer dezelfde tijd dat Kluwer Law & Taxation fuseerde met Nijhoff kreeg ICCA het conflict met het Asser Instituut. Tot die tijd betaalde Kluwer een bescheiden royalty aan het Asser Instituut voor de publicatierechten van de ICCA publicaties. Als doorwrochte onderhandelaar regelde je een hogere beloning bij

Kluwer die een verhuizing naar het Permanent Hof van Arbitrage mogelijk maakte. Natuurlijk was dat wel even slikken voor Kluwer, maar uiteindelijk heeft het de relatie met ICCA goed gedaan. Immers, als er moeilijke tijden waren hielpen we elkaar. Kort nadat Alan Stephens de deal had beklonken trad ik aan als ICCA's uitgever.

Je kunt je voorstellen dat ik, als jonge uitgever, het bijzonder spannend vond om met jou zaken te moeten doen. Kon ik deze "überman" wel aan? Eigenlijk ging dat vanaf het begin prima. Het was goed zaken doen met jou. Je was duidelijk maar ook fair, ik kon je vertrouwen, en dat heb ik altijd heel prettig gevonden. Je hebt niet alleen voor mij, maar ook voor andere getrouwen, altijd goed gezorgd. En ik waardeer het nog altijd zeer dat je, toen ik een moeizame relatie met mijn toenmalige directeur had, voor mij bent opgekomen.

In die 23 jaar hebben we veel contact gehad: van kort overleg over een prijs van het Yearbook tot grote onderhandelingen over de ICCA uitgeefcontracten. Onze uitgeefrelatie is zeker niet alleen zakelijk. Ik denk o.a. aan een mooi diner in Geneve waar ik als tafeldame jou mocht vergezellen en ons dansje in Miami!

Ik wens je nog vele mooie jaren waarin je geniet van de arbitragewereld en hoop je zeker te blijven zien.

1994

The XIIth ICCA Congress
is held in Vienna



Albert Jan and Gwen de Vries at the celebration of ICCA's 50th Anniversary in Geneva in 2011 (left), Albert Jan and Gwen on the dancefloor at the ICCA Congress in Miami in 2014 (right)



1996

The XIIIth ICCA Congress
is held in Seoul

Hugo Siblesz

Secretary General of the PCA

A few months prior to the end of my term of office as Dutch ambassador to the French Republic the then Secretary General of the Dutch Foreign Ministry approached me with the question whether I was interested in being the Dutch candidate for an appointment as Secretary General of the Permanent Court of Arbitration. That position was to become vacant as a result of the decision by the then SG of the PCA, Christian Kröner, to accept the corresponding position at the Iran-US Claims Tribunal in The Hague, beginning in 2012.

Although the function was not for the Foreign Ministry to give, the Netherlands' Foreign Minister, in his capacity of President of the Administrative Council of the PCA, had traditionally been directly involved in the appointment of the PCA's SG. That may explain why, ever since PCA's inception in 1899, that function had been exercised by a former Dutch Foreign Minister or Dutch Foreign Ministry official. And as that function now became vacant prior to the end of the SG's mandate, the President wanted to be able to present a candidate to the Administrative Council at short notice.

Appointment of the SG is the prerogative of PCA's member-States, represented in the Administrative Council by their ambassadors accredited to the Netherlands. And although since 1899 no Contracting Party (as member-States of the PCA are formally known), other than the Netherlands, had opted to present a candidate, some ambassadors questioned the fact that until now a Dutch national had been appointed almost automatically. They finally agreed to my appointment, on condition that at the next occasion, i.e. at the end of my five-year mandate, candidates from other Contracting Parties could be put forward. And so, in 2016, to obtain a second mandate, I had to compete with a candidate put forward by Uruguay.

But back in 2011, Albert Jan van den Berg decided to make his views known as to the qualifications required for the job. He did so in the

somewhat strange form of a letter (attached) to Christian Kröner, since it was not Kröner who was to decide whom would succeed him. In all fairness, however, the letter represents a valuable effort from an outstanding member of the arbitration community to formulate the qualifications that anyone, postulating for the function of SG PCA, should be expected to meet. This had never been done, certainly not in such an explicit way, and it may be an interesting precedent for future elections.

Most member-States would perceive the function as that of any other head of an international organization. In practice it would be the Foreign Ministries of PCA's member-States who would decide the election. They are, however, unlikely to be familiar with the specific role of the SG of the PCA as the Appointing Authority under the UNCITRAL Arbitration Rules, as their role is normally limited to PCA-administered State-State arbitrations. This role implies an absolute need for neutrality of the person fulfilling it. One might argue that this neutrality has in fact been ensured by the fact that until now (with the exception of the last election in 2016) no real election, i.e. no real competition between candidates or a practice of geographical rotation, has been necessary. Elections for functions of this nature tend to bring into the equation 'political' elements, which in turn might be perceived as having an impact on the neutrality of the person so elected.

Members of the arbitration community, being involved in the activities of the International Bureau of the PCA regarding appointment of arbitrators or acting as registry for arbitral tribunals, can be expected to have a proper understanding of the specific requirements of the function of the SG of the PCA. The arbitration community as a whole may even feel it has an interest in the selection of a qualified candidate. It may therefore be well advised to consider how to make its views known as a contribution to the process of selecting a future SG of the PCA. Albert Jan's letter of 2011 may constitute a template for such a contribution.

1997

**ICCA Publications is relocated
to the Peace Palace in The Hague**

PROF. MR. A.J. VAN DEN BERG

IT Tower, 9th floor
480 Avenue Louise B.9
1050 Brussels
Belgium
T +32 (2) 290 3913
E ajvandenberg@hvdv.com

H.E. Christiaan M.J. Kröner
Secretary-General
Permanent Court of Arbitration
Peace Palace
2517 KJ The Hague
The Netherlands

Brussels, 4 August 2011

Dear Christiaan,

It has come to my attention that you have accepted a position as Secretary-General of the Iran-U.S. Claims Tribunal. Congratulations on your appointment, which is of course excellent news for you and for the Claims Tribunal.

At the same time, your impending departure from the Permanent Court of Arbitration raises concerns regarding the PCA's future leadership. As an arbitrator who has had the privilege of serving in several PCA proceedings, I take the liberty of expressing some thoughts in this regard to you.

As a practising arbitration lawyer, I was pleased to witness the PCA's extraordinary growth during the past two decades into one of the world's preeminent arbitral institutions. The diversity of the PCA's case load today is unmatched by any other institution, as it comprises (a growing number of) inter-state disputes, investment disputes, and even an arbitration relating to an internal armed conflict. The PCA's intergovernmental nature as well as its unique role under the UNCITRAL Arbitration Rules places your institution in a different category from other arbitral bodies.

As an arbitral institution, the PCA is not only of importance to the international community but also – in a very significant way – to its host country, the Netherlands. With over 50 pending cases, the PCA must have the

largest case load of any international tribunal in The Hague, and its success is central to the role and perception of The Hague as the capital of international law. In a number of high-level proceedings, the PCA's strong presence in international dispute resolution has caused parties to opt for a "legal seat" for their proceedings in the Netherlands. There is no inherent limit to this encouraging trend, as PCA tribunals are appointed on a case-by-case basis, so there is no threat of backlog as with a single standing court or tribunal.

Realizing the PCA's potential, however, requires a leadership capable of navigating what are sensitive times for the organization. We have at various occasions had the opportunity of discussing your role (and I had similar discussions with your distinguished predecessors, Ambassadors Van den Hout and Jonkman). The undiminished confidence of the PCA's "users" in the qualifications and sound judgment of its Secretary-General is absolutely critical for the PCA's continued success. In my view, the ideal candidate for the position of PCA Secretary-General would have, at the minimum:

- (a) experience on the level of an Ambassador or senior diplomat, including experience with conference diplomacy;
- (b) over 50 years of age, in view of frequent meetings with Ambassadors, Government Ministers, and, occasionally, Heads of State;
- (c) a legal education, preferably with knowledge of international law;
- (d) an outgoing personality and the ability to interact easily with persons from diverse geographical, ethnic, legal, economic and social backgrounds;
- (e) excellent communication and interpersonal skills;
- (f) the working languages of the PCA are English and French – fluency in French would be strongly recommended; fluency in Spanish or other UN languages would be advantageous;
- (g) the ability to identify persons with the qualities suitable to serve as arbitrators;
- (h) the ability to address inquiries, requests, and concerns from a wide range of individuals and entities, including Member State

representatives; parties, or potential parties, to disputes; and current and potential arbitrators; and

- (j) familiarity with intergovernmental organization management, budgeting, and administration.

I understand that this is an ambitious profile, but it is a profile that reflects the high expectations within the arbitration community vis-à-vis the Secretary-General's function. In my view, it is crucial for the future of the PCA that the next Secretary-General be selected with these criteria in mind. The widely felt satisfaction with the PCA's work, and the trust placed by the arbitration community in the PCA, was reflected in the PCA's recent designation as "arbitral institution of the year" by the Global Arbitration Review, but this confidence in the PCA that has been built-up over years can be lost in a very short time.

Having so successfully steered the institution forward during the past three years, you will find (I am sure) many of these reflections to be in line with your own thinking. I remain available for any further discussion that you may find helpful and look forward to hearing for you.

With best personal regards,



Albert Jan van den Berg

Gabrielle Kaufmann-Kohler

ICCA President

Albert Jan was there at the very start of ICCA Publications. He had a hand in the organization's publications since the very first edition of the very first ICCA Publication – Volume I of the ICCA Yearbook Commercial Arbitration, published in 1976. He served ICCA Publications first as an assistant to Prof. Pieter Sanders and then took over as General Editor ICCA Publications from 1986, 32 years – an eternity – for which we are incredibly grateful.

When I joined the ICCA Governing Board in 1998, Albert Jan had already established himself as one of the driving forces of the Board – he had been elected in 1990 – and of ICCA overall. I have tried hard to remember when I first met Albert Jan. Was it at the 1984 ICCA Congress in Lausanne, at the New York ICCA Congress in 1986, or at some other time, or in another place? I just do not remember. I do not remember ICCA without Albert Jan, and neither do I remember the arbitration community

without him. While this may be a bad sign for my memory, it certainly shows the central role Albert Jan has played during the past few decades and continues to play for ICCA and international arbitration at large. I am sure I speak for all Governing Board Members who have served alongside Albert Jan when I say that his dedication to ICCA, the time, effort, intelligence he put into developing the organisation are highly valued and much admired. As we all know, he also contributed as ICCA President from 2014 to 2016.

ICCA's publications are renowned for their high quality, attention to detail and global relevance and value. Without Albert Jan's dedication and tireless efforts over more than three decades, ICCA publications would not have developed into the authoritative resources on arbitral practice worldwide that they are today. Albert Jan, thank you for all you have given to ICCA, and we are happy that we can look forward to working with you on many more ICCA initiatives.

1998

XIVth ICCA Congress
is held in Paris



Gabrielle Kaufmann-Kohler speaking at the celebration of ICCA's 50th Anniversary in Geneva in 2011

1998

Gabrielle Kaufmann-Kohler joins the ICCA
Governing Board

Carolyn Lamm

ICCA Governing Board Member

Albert Jan is an extraordinary lawyer, arbitrator and advocate with whom I have had the great privilege of working with in each of these capacities. I have seen the excellence that he brings to each task.

Having observed Albert Jan since 2002 as an arbitrator in proceedings where I was an advocate, including: *Plama v Bulgaria*, *Beccara* then *Abaclat v Argentina*; *OTMTI v. Algeria*; as co-counsel in (*HVY v. Russian Federation*) *Yukos*; and, as a professor at the University of Miami School of Law, I can personally attest to his extraordinary knowledge of international law, his commitment to the rule of law, his intellect (which is truly beyond compare) and diligence applied to excel in each position. His judgment, energy and tenacity is outstanding. He is one of the true stars in our profession's international firmament and has worked tirelessly with demonstrated excellence to achieve that stature. His rank as #1 by so many of the "raters" is undeniably justified. No one comes close.

In the *Plama v Bulgaria* case, 2003-2008 Albert Jan was appointed by Plama/Claimant and I—one of a team—was representing Bulgaria. He was so impressive that he rose high on our list of the best arbitrators. He had always read everything, understood everything, heard and examined the evidence with great care and diligence, asked probing questions and come to an independent and well-reasoned decision. In 2005 – 2013 Albert Jan was appointed by Claimants in *Beccara* and then *Abaclat v. Argentina* – a ground breaking case with 60,000 Claimants and many challenging issues and personalities:

he again demonstrated excellence, balance and was always extraordinarily well prepared. Deciding the jurisdictional issues with the majority with brilliance.

For decades – since 2000 – he has been sitting worldwide on tribunals in the Far East, the US, Africa, and Europe with demonstrable excellence. Further he has taught in as many diverse places as the University of Miami and Georgetown University in the US; and Tsinghua Beijing in the People's Republic of China, devoting his time to educating students to help them achieve their dreams.

Perhaps the most extraordinary performance I have observed was Albert Jan as lead counsel for the Russian Federation in the Hague Courts. A tremendous and effective advocate, cutting through decades of arbitration and millions of documents to synthesize and argue in an incredibly persuasive way the winning argument for the Russian Federation in the Hague Courts. His winning argument in 2016 helped to persuade the Hague Court to set aside the \$50 billion Award against the Russian Federation entered by a tribunal under the Energy Charter Treaty. His performance was dazzling and perfect, but his preparation, analysis and persuasive abilities were extraordinary. The Decision was rendered on 20 April 2016. The appeal continues.

His work at ICCA has been similarly extraordinary. Always an active participant and wonderful lecturer at the biennial colloquium, as a member of the governing board and then in 2014 - 2016 as ICCA President he led a transformation of the organization by dealing smoothly with issues of corporate

1998

40 Years of the New York Convention

governance, overhauling the bylaws, bringing term limits and breathing new life into the organization. At the same time, he initiated a variety of cutting-edge study projects on third-party funding, conflicts, etc.

Albert Jan has been an incredible advocate for women in the profession: promoting women to serve: as tribunal members; as members of the ICCA Governing Board; and, the Boards of so many other organizations in Stockholm, Hong Kong, etc. He has always been an advocate to add and promote more women members.

When Albert Jan received the GAR Best Prepared and Most Responsive Arbitrator Award in 2013, he dedicated that Award to the Equal Representation Arbitration Pledge supporting more women in the entire arbitral process.

Over the decades Albert Jan has been a thought leader in international arbitration: he has written about, spoken about and participated in colloquia regarding the cutting edge issues in international arbitration. He addresses the shortcomings in the investment arbitration system by suggesting improvements based on researched facts. He delivered an extraordinary lecture for the 2018 White & Case Annual lecture at the University of Miami that called for a revised New York Convention (available at www.arbitration-icca.org).

He has guided many practitioners with his innovative tools in managing arbitrations. Beginning with his book in 1981 on the New York Convention, he has led so many efforts and spent thirty-two years as the General Editor with unparalleled excellence. He brings extraordinary intellect, energy, and enthusiasm to every task and is beyond compare.



Carolyn Lamm and Albert Jan

1999

Albert Jan joins Freshfields Bruckhaus Deringer

Jan Paulsson

Former Editor of the ICCA Handbook and ICCA Advisory Board Member

Apart from being essential in ensuring the survival of ICCA Publications thanks to his tireless attention to the tedious administrative arrangements that needed to be made, supervised, and revised, I can say that I viewed Albert Jan not only as a connoisseur of the New York Convention but also as its Sherlock Holmes, always on the lookout for evidence of decisions from an unusual jurisdiction which was being confronted with the important Issues of the Convention for the first time. It is easy to “collect” decisions readily provided in major languages from major jurisdictions — not so easy with respect to places further from the beaten path. Of course his student thesis had always been about the goal of convergent interpretation for the Convention, so his valuable sleuthing was understandable.

2000

Jan Paulsson takes on the role of General Editor of the ICCA Handbook



Carolyn Lamm, Albert Jan and Jan Paulsson; Albert Jan, Marike Paulsson, Jan Paulsson, Patricia D. White and Carolyn Lamm at the University of Miami; the first New York Convention Roadshow in Mauritius in 2012

2000

Alice Siegel joins ICCA as Assistant Editor & the XVth ICCA Congress takes place in New Delhi

Lucy Reed

ICCA Governing Board Member

In Honor of Albert Jan van den Berg, as General Editor of ICCA Publications and General Guru-in-Chief of International Arbitration

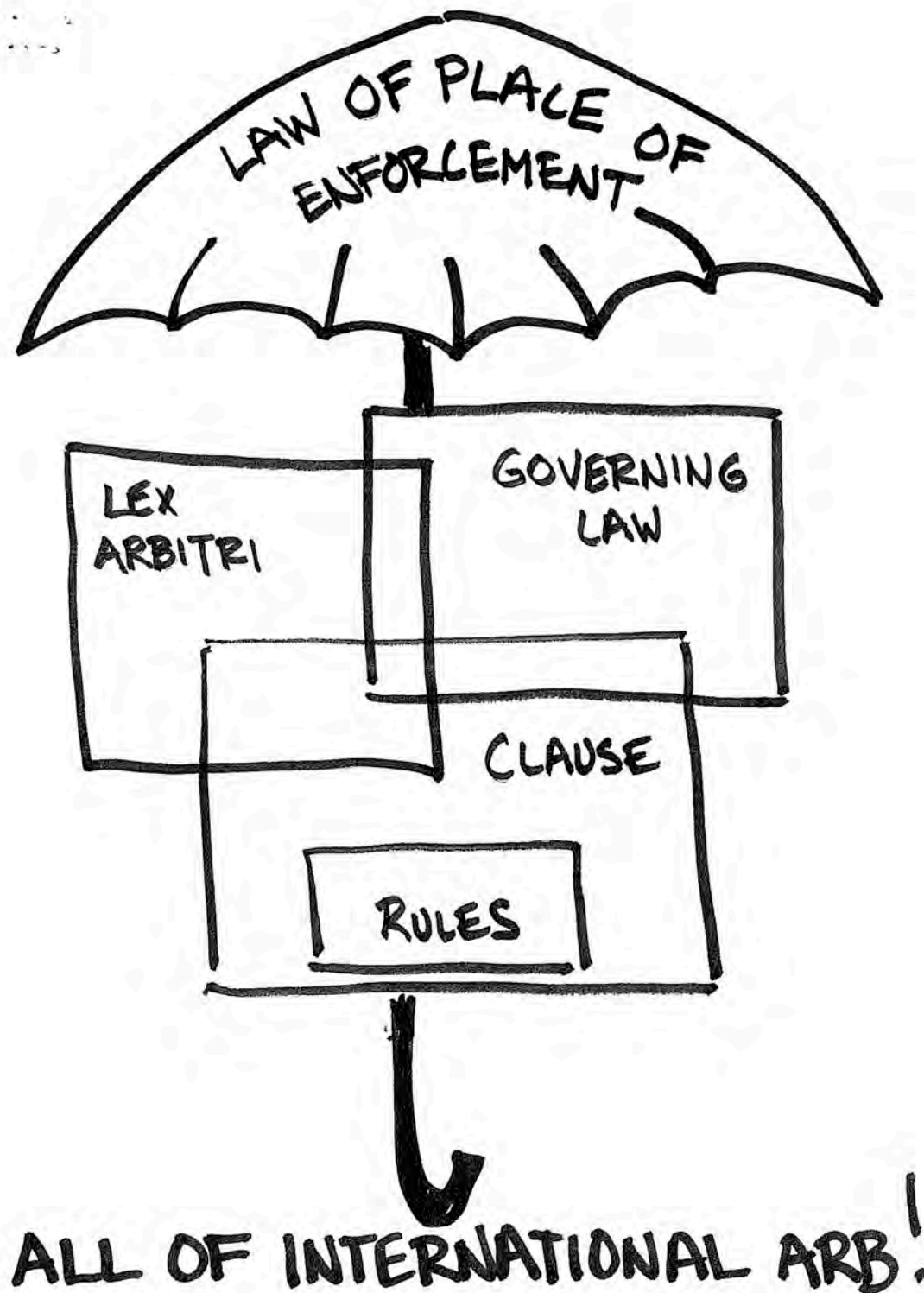
As all agree that Albert Jan has been an extraordinary General Editor and substantive leader of our shared profession, I thought I would offer a personal perspective. I searched and failed to find photographs from the Greek wedding of Georgios Petrochilos and Melanie van Leeuwen which is probably just as well.

So instead I offer a copy of “THE Umbrella Clause” that I drew when Albert Jan and I were teaching the WIPO Arbitration course in Geneva in 2001 or so. I called it a short version of his treatise on the New York Convention, and he called it, well, lacking. Let’s just say it never appeared in an ICCA publication.

The drawing does serve to illustrate that I have shared many serious and not-so-serious moments with Albert Jan in our joint practice of international arbitration over the past few decades. He has taught me – like so many others – a great deal, both in person and through his many publications and awards.

2001

Albert Jan and Bernard Hanotiau establish
Hanotiau & van den Berg in Brussels



2002

The XVIth ICCA Congress
is held in London

Vincent Verschoor

Content Manager at Kluwer Law International B.V.

Dear Albert Jan,

I distinctly recall when I was first assigned to the ICCA publications, presumably circa 2002. Although I had not been with Kluwer long, I had by then already learned that in the field of international commercial arbitration the ICCA publications were of great significance (no less so for Kluwer), and that you were quite a celebrity, a leading figure with huge academic and practical credentials. You will understand that for a newbie, such as myself at the time, this made working on the ICCA publications together with you rather a daunting prospect.

Luckily, I soon discovered that my first assumptions were wholly incorrect, and that you and your staff were always a pleasure to work with, everything that a (junior) publisher could wish for in an editor and his team. I found you to be very approachable, someone who understood that there are often two sides to a coin and who always had a moment for me when I bumped into you at an event. I have happy memories of late night drinks at Tylney Hall and at ICCA Congresses in even more exotic locations. More importantly perhaps, as editor, you were always very responsive and had a keen eye for detail, incessantly striving to raise the quality and also the dissemination of 'your' publications. To this end you were also very cooperative, never giving me the idea that my ideas and suggestions were out of order and you were always open to new ideas. I can recall several fun but also very productive brainstorm sessions, one or two even in an airline lounge at Schiphol, in between two of your many flights.

All told, we at Kluwer were blessed with a man such as yourself at the helm of ICCA publications and it safe to say that you will be dearly missed by all you have worked with here. Not just a good arbitrator or editor, you will similarly be remembered for your unique personality. Whichever path you choose next, I wish you all the best and look forward to hearing about it at our next encounter.

Vincent

2004

The XVIIth ICCA Congress
is held in Beijing



Stephan Schill, Gwen de Vries, Lise Bosman and Vincent Verschoor at an ICCA Publications Meeting in Amsterdam in October in 2018

2006

The XVIIIth ICCA Congress
takes place in Montréal

Lise Bosman

ICCA Executive Director & General Editor, ICCA Handbook

My relationship with Albert Jan turns 21 this year, and shows all the signs of its age – a solid appreciation, a deeper understanding, and some great anecdotes along the way.

I remember, for instance, the first cases I worked on with Albert Jan at Stibbe in 1997 (the Chinese wool case, the development aid case, the banking case); the dramatic move from Stibbe to Freshfields in 1999 (marked by accusations of “pacta sunt servanda” hurled through the corridors); Freshfields’ first offices in Amsterdam in rented premises along the highway (with a whole team of IT, housing and systems specialists flying in from London to see us through the first few weeks); the move to the Apollolaan in Amsterdam (and witnessing at close quarters a gangland assassination in the street; the trauma helicopters landing outside our building to attend to the Hilton Hotel rooftop suicide of troubled Dutch musician Herman Brood; and being forcibly evicted from the otherwise empty office on the Apollolaan during a case management meeting conference call by the police because of a gas leak, with Albert Jan clutching the phone to his chest and begging for “just 5 more minutes”).

I also remember trips to hearings across the globe (witness hearings in Geneva about the import of fertilizer; a special witness hearing in New Delhi, for which the key witnesses were released from jail to testify every day, clanking their chains up the drive of the 5-star hotel; at that same hearing Albert Jan in a panic asking for help removing the geckos from his hotel room – with my plea that “in some

cultures, including my own, they are regarded as a sign of good luck” falling on deaf ears; a hearing in Seoul about washing machines, at which I was privileged to do a site visit to a row of “fuzzy logic” machines lined up in the hearing space; the “beer” case in New York and travelling with Albert Jan, Michael Reisman and Guillermo Aguilar Alvarez in a stretch limo, with Albert Jan having pressed every button in the limo by journey’s end; as well as more mundane locations in Amsterdam, London, Paris and The Hague).

I remember flying in a hot air balloon to mark Albert Jan’s 50th birthday, with a tight team that AJ is still in touch with, including Brian King and Melanie van Leeuwen. I remember Albert Jan’s terrifying long-term secretary at Stibbe, Ellen Meijkamp, who hid his files – which his team then had to consult after she left the office at 5pm; I remember Albert Jan congratulating me on the birth of my twins and noting with approval that I “had always been very efficient”.

But mostly I remember Albert Jan’s ferocious work ethic, attention to detail, unlimited categorisation of information and attention to quality, which manifested also in our joint work on the ICCA publications and ICCA governance from 2008, highlighted by cordial meetings with Kluwer, ICCA’s huge reorganization, and visits to Nairobi, Beijing, Hong Kong, Miami and Mauritius. While we may no longer be in daily contact, I am confident that there are many more hot air balloons, 5-star hotels, crazy cases and pathological New York Convention decisions in Albert Jan’s future!

2008

The XIXth ICCA Congress takes place in Dublin, ICCA celebrates its 50th anniversary & Lise Bosman joins ICCA



Clockwise from left: (L-R) Lise Bosman, Teresa Cheng, Kate Brown de Vejar and Albert Jan presenting the ICCA Cup in Hong Kong in 2015; (L-R) Teresa Cheng, Albert Jan, Lise Bosman and Kate Brown de Vejar at the HK Summit in 2015; Duncan Bagshaw, Lawrence Muiruri, Lise Bosman, Arthur Igeria, Albert Jan, John Ohaga and Maryann Njau-Kimani in Nairobi in 2015

2009

Albert Jan launches a website dedicated to the New York Convention

Meg Kinnear

ICCA Governing Board Member

Several years ago I worked with Guillermo Aguilar-Alvarez and Albert Jan on a project to update the ICCA constitution. Guillermo and I were working on the task. At our final drafting meeting Guillermo and I began the final draft and were taking quite some time, both on the content and the typing! As soon as Albert Jan joined us at the meeting, not only did we fly through the constitution from a substantive perspective, but he also replaced us as the typist and formatter par excellence! This is just a small example of the amount of effort Albert Jan has dedicated to ICCA. He has volunteered countless hours, not just as a past President and General Editor, but also in numerous tasks such as rewriting the ICCA Constitution, encouraging ICCA Roadshows, negotiating ICCA publishing contracts, and mentoring young counsel. His selfless efforts have truly shaped ICCA and helped make it the success it is today.

2010

The XXth ICCA Congress
takes place in Rio de Janeiro



Meg Kinnear interviewing Albert Jan for the ITA's "Preserving Perspectives: International Arbitrators in their own words" interview series in 2011

2011
ICCA revises its Constitution and Bylaws

Marike Paulsson

ICCA Judiciary Committee Member and former ICCA Counsel

"Bad Boys, Bad Boys,
Whatcha gonna do, watcha gonna do,
When they come for you"

From Bad Boys featuring Will Smith

Albert Jan: Bad Boys and Girls for life!

Marike Paulsson (née Baldew)

2011

ICCA Publishes its Guide to the New York Convention



Clockwise from top: Albert Jan and Marike Paulsson interviewing Piet Sanders in 2011 (top left and right), (L-R) Patricia D. White, Marike Paulsson, Albert Jan and Nassib Ziadé at the University of Miami, Marike Paulsson and Albert Jan

2011

Albert Jan and Marike Paulsson interview Piet Sanders

Mohamed Abdel Raouf

ICCA Governing Board Member

During his tenure as ICCA President, Albert Jan was keen to liaise with the Chinese judiciary and relevant authorities in order to promote arbitration. In Beijing, the ICCA Executive Body realized that his fondness for China is not limited to its legal culture but also covers its gastronomy.

Adriana Braghetta

ICCA Governing Board Member

I had the greatest honor to serve as ICCA's Vice President during Albert Jan's tenure as ICCA President. I had the privilege of watching closely how much time and energy AJ dedicated to ICCA and arbitration in general, not only as a General Editor for ICCA Publications (for 32 years!) but also in various other important initiatives: the NY Convention Roadshows throughout the globe; dozens of trips every year to give lectures in various countries; the continuous dialogue with Judges and corporate lawyers, the support of initiatives that would turn out to be a huge success, like the Young ICCA; the preparation of an ICCA Congress; etc.

Above all that, he is fun to work with and has a great talent to engage and motivate people in participating in all those initiatives. With all that, Albert Jan contributed a great deal for the inclusiveness of new players in international arbitration, countries and individuals.

2012

the XXIst ICCA Congress takes place in Singapore



Clockwise from left: (L-R) Adriana Braghetta, Albert Jan and Mohamed Abdel Raouf at the Government House in Beijing in 2015; Albert Jan, Lise Bosman and Mohamed Abdel Raouf sampling the local cuisine in Beijing in 2015; Albert Jan presenting a copy of the ICCA's Guide to the NYC to the President of the Chinese Supreme Court, Zhou Qiang; Albert Jan and fellow ICCA Governing Board Members visiting the Chinese Supreme Court



2012

the ICCA NYC Roadshow Programme kicks off

Michelle Pincombe

Former ICCA Communications and Membership Manager

One of the many unexpected pleasures of working with ICCA was that of getting to know Albert Jan. When I first started my work I knew nothing about the complex, yet surprisingly small, world of international arbitration. Albert Jan welcomed me right away, challenging me to keep up with his mile-a-minute pace and inspiring me with his contagious passion and commitment to excellence. When time came for me to leave ICCA and move back to the US, Albert Jan gave me one of the most thoughtful - and practical - going away gifts. I was leaving to embark on a yearlong tour of North America, during which I would live in a 1959 caravan. Being a bit worried about me, out there in the wild wilderness of the vast United States, Albert Jan sent me off with a huge bag of everything I needed to survive: a solid headlamp, water purification system, a door alarm, solar-powered light key chains and more ... it all went to great use! Thank you Albert Jan for your guidance and encouragement during my four years at ICCA, and for keeping me safe on the road.

2012

Michelle Pincombe joins the ICCA team

2013

Melanie Rawlins
joins the ICCA team



Clockwise from left: Albert Jan giving his inaugural address as ICCA President at the ICCA Congress in Miami in 2014; Ruth Stackpool-Moore, Michelle Pincombe and Lisa Bingham at the HK Summit in 2015; Michelle Pincombe and Lise Bosman putting together some of the first ICCA Membership folders



2014

The XXIIInd ICCA Congress takes place in Miami
& Albert Jan is elected as ICCA President

Teresa Cheng

ICCA Governing Board Member

Albert Jan started teaching at Tsinghua University from the moment the International Arbitration and Dispute Settlement course was set up in 2012. Ever since, he has unselfishly shared his knowledge with students, practitioners and judges during his visits to Tsinghua. He inspired the conception of the ICCA Tsinghua working group that worked on the Compendium on Chinese Arbitration Laws, and then the collection of Chinese arbitration cases and the holding of an annual Investment Arbitration Moot in Tsinghua. Albert Jan has done a lot of teaching and sharing around the world and we are most grateful for his generosity and dedication to training young people.

Here are some remarks from the students who attended his class, some more than once:

"After his lectures, everything learned in the other courses fits together perfectly."

"He brought an angle to looking at NYC in a way not raised in other lectures."

"He speaks so fast and it is difficult to follow for the first few lectures, but once I got used to his accent, there is so much to learn from Professor van den Berg."

2015

Albert Jan visits the Chinese Supreme Court to discuss the application of the New York Convention



Clockwise from left: Teresa Cheng and Albert Jan at the Considerations for Enforcement in Drafting Arbitral Awards event in 2013; Teresa and Albert Jan at the HK Summit in 2015; Donald Donovan, Teresa Cheng and Albert Jan with students from Tsinghua University in Beijing in 2016

2015

ICCA and the HKIAC host the HK Summit in Hong Kong

Donald Donovan

Former ICCA President

Albert Jan was and remains a pre-eminent practitioner and arbitrator; he was the bedrock of ICCA's scholarly work for decades; and he made a huge contribution as its president at a time of critical transition. We are all in his debt.

2016

Albert Jan's term as ICCA President comes to an end and Donald Donovan takes on the role



Clockwise from top: Donald Donovan and Albert Jan at the ICCA Congress in Mauritius in 2016; Signing the contract for the Mauritius Congress with Nirmala Jeetah in 2014; Andrea Menaker, Albert Jan, Lucy Reed, Lise Bosman, Adriana Braghetta, Salim Moollan, Dirk Pulkowski and Mohamed Abdel Raouf in Mauritius in 2014

2016

The XXIIIrd ICCA Congress
takes place in Mauritius

Stephan Schill

General Editor ICCA Publications

Karl Hofer, a German expressionist, painted this painting, entitled 'Am Grünen Tisch' in 1950. It depicts a group of men engaged in an intense debate. Curiously, when looking at the characters depicted, one cannot help but to get the impression that the artist tried to portrait (at least some parts of) the world of international arbitration today, with members of the profession united around a table to discuss the role of international arbitration, its functioning, its legitimacy, and its future.

All the way on the right, it seems as if Charles Brower is smirking after just having finished a poignant response to all those attacking international arbitration, whether from the outside or from within. The gentleman to his right vehemently objects. Is it Jan Paulsson setting out his proposal that party-appointments should cease, and instead institutions compose tribunals to embody the idea of arbitration? Further to his right, it could be Stephen Schwebel who is disagreeing with any proposal for change: BIT arbitration should be defended against its critics. To Brower's left, in the front of the table, is it Emmanuel Gaillard holding up his hand to intervene, ready to make the point that the round should be more mindful of the theory of international arbitration? To his left, it could be Karl-Heinz Böckstiegel looking in amazement, objecting to all this talk on legitimacy: After all, arbitrators are only deciding the dispute before them and only interpret the instrument governing the parties relations, nothing more, nothing less.

And opposite Charles Brower, on the far left of the image, could it be Albert Jan van den Berg setting out his views on the legitimacy and future of international arbitration? Is he chastising an arbitrator for dissenting? Is he pointing to the importance of domestic courts in overseeing and saving international arbitrations that go wrong? Is he musing on the role of the Court of Justice of the European Union? Or the future of ICCA Publications?

** The story and incidents portrayed are fictitious. No offense should be taken if the artist's depiction of actual persons (living or deceased), places, buildings, and products is not accurate or distorted.*

2018

Albert Jan steps down from the role
of General Editor and the XXIVth
ICCA Congress takes place in Sydney



2018

Stephan Schill takes over
the role of General Editor

Olufunke Adekoya

ICCA Governing Board Member

Prof. Albert Jan van den Berg has dedicated much to ICCA. His openness and friendliness to all has ensured the growth of ICCA as a general membership organization as he goes the extra mile to make sure that all new members are made to feel welcome, stopping to enquire as to backgrounds and interests from new faces at Congresses. He is a pleasure to work with, but also great at relaxing – showing me his dance skills at the Mauritius Congress! Even though Albert Jan is stepping down as General Editor of ICCA Publications, I know he will continue to remain engaged with ICCA's activities and look forward to seeing him [and dancing with him] at ICCA Congresses in the future!

Michael Pryles

ICCA Governing Board Member

My first encounter with Albert Jan was at an IBA Conference. He was presiding over a session on the New York Convention and reviewing recent court decisions, which he did every year. Attendees participated with information about judgments from their own jurisdictions. In those days, and I am going back several decades, there were many unfortunate judgments refusing to enforce foreign awards or stay litigation brought in breach of an arbitration agreement. Albert Jan was in his element explaining the requirements of the Convention and why and where the courts had got it wrong. It seemed to me that he was Mr New York Convention itself.

Albert Jan also made a mark in that other great forum for international arbitration, ICCA. It is impossible to exaggerate his contribution as General Editor of the ICCA Publications. Many of us contributed copies of judicial decisions, legislation and, where permitted, awards to him. He devoured them with great relish and seemed to have an insatiable appetite for information. He also carefully assessed and edited the works produced by others. The results are available for all to see in the outstanding quality of the ICCA publications.

2018 and beyond

As a sought-after lecturer on international arbitration, Albert Jan continues ICCA's mission to promote greater understanding of international arbitration worldwide through teaching.



Clockwise from top: Albert Jan dancing the samba at the ICCA Congress in Rio de Janeiro, Albert Jan at the "birthplace" of ICCA, the Relais de Chambésy in Geneva; Albert Jan with Lucy Reed and the late David Caron in Mauritius in 2014; Albert Jan handing a copy of the Yearbook to Arthur Igeria in Nairobi in 2015

Lisa Bingham

ICCA Bureau Staff Member

When I think of Albert Jan in his role as General Editor of the ICCA Publications, I think of the old chestnut “do what you love, and you’ll never work a day in your life”.

It obviously applies to Albert Jan as an arbitrator and counsel, where his enthusiasm for getting across the details of the cases he works on is evident, and you see it in his connoisseur’s choice of hotels and airlines, not to mention new software and gadgets.

True love, though, is a person’s face lighting up when sat before a gigantic lever arch folder of Yearbook or Congress Book proofs. For many a busy lawyer, those thousands of pages – their perusal generating no hourly fee – would be dreaded and avoided, then flicked through half-heartedly at best. But provided that Edith had brought a fresh coffee to his desk, Albert Jan would dive into the proofs with gusto, excited by the hope of finding a nugget of new learning or – even better – the very rare mistake.

ICCA is proud to have a new General Editor, Stephan Schill, and a new President, Gabrielle Kaufmann-Kohler. It doesn’t need a new Albert Jan, though, because we’re keeping the one we already had, in whatever capacity he wishes to continue.

Silvia Borelli

ICCA Bureau Staff Member

In 2010, ICCA decided to publish a handbook on the essential aspects of the scope, interpretation and application of the New York Convention, principally aimed at judges. ICCA’s Guide to the Interpretation of the 1958 New York Convention was published on the occasion of ICCA’s 50th anniversary, in Geneva in 2011. Its four chapters were contributed by prominent ICCA members; I had the honour of supervising editing and adding the relevant case law. My work on the Guide – as well as on the Yearbook – would have been and would be impossible without the indexing system devised decades ago by Professor Van den Berg and still applied throughout all ICCA materials related to the New York Convention. We also rely constantly on the consolidated list of court decisions on the Convention that Albert Jan made me initiate in the mid-80s. He sees the larger picture but never forgets the practical details, and I am thankful for having absorbed a little of his trademark, inexorable precision.

Alice Siegel

ICCA Bureau Staff Member

Dear Albert Jan,

It has been an honor and a pleasure to work for you. Thank you for maintaining a workplace where each individual’s contribution is respected and valued.

Wishing you all the best,

Alice

2018 and beyond

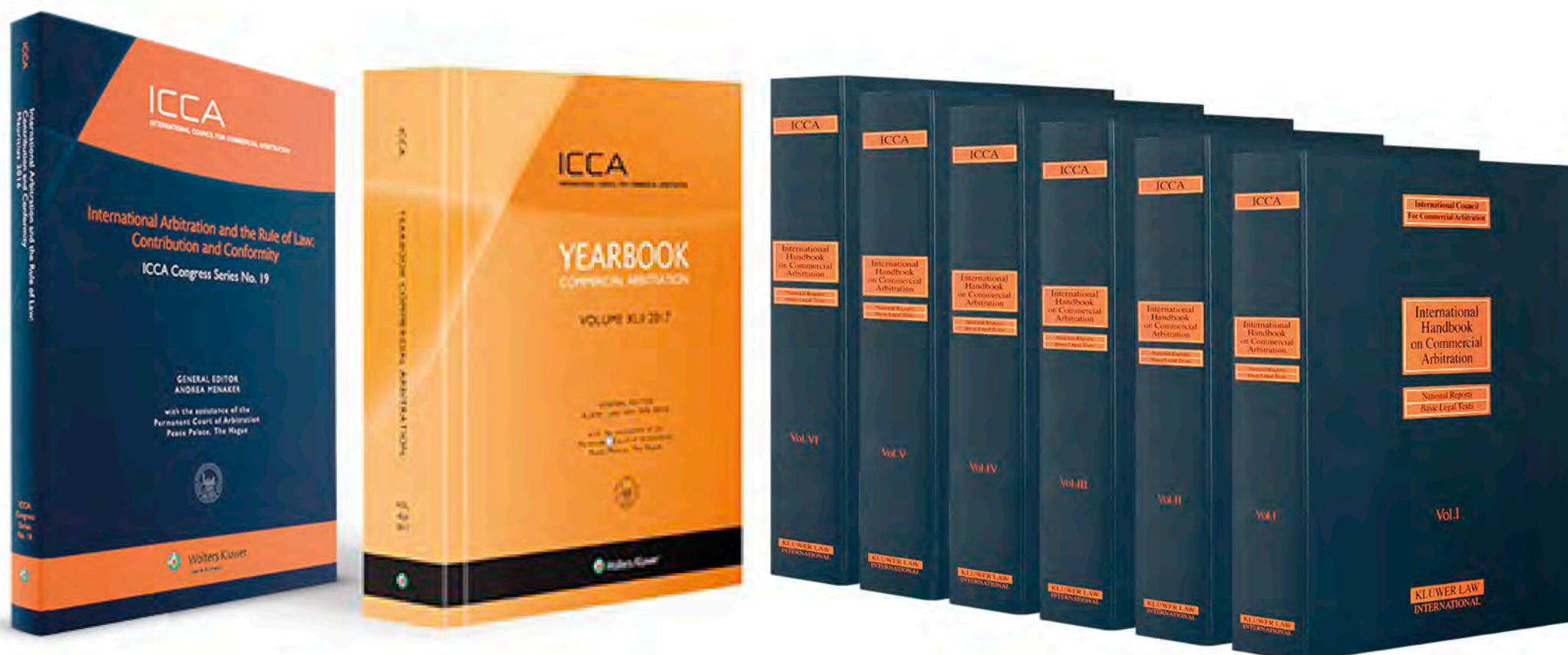
His name continues to pepper news headlines with his involvement in high-profile cases. He may no longer serve ICCA as General Editor, but we have no doubt that this relationship is far from over and we look forward to working on many more initiatives with this arbitration great.



Clockwise from left: (L-R) Lisa Bingham, Lise Bosman, Silvia Borelli, Donald Donovan, Lauren Voges, Melanie Rawlins and Alice Siegel at the Peace Palace in December 2016; (L-R) ICCA Intern Prince-Alex Iwu with Lauren Voges, Lisa Bingham, Lise Bosman, Alice Siegel, Silvia Borelli and Melanie Rawlins in January 2017; View of the Peace Palace from Carnegieplein

ICCA's core publications

The ICCA Congress Series, ICCA Yearbook Commercial Arbitration & the ICCA International Handbook on Commercial Arbitration



As an NGO dedicated to the promotion of greater knowledge of international arbitration worldwide, ICCA's chief mechanism to distribute knowledge and harmonise practices is its authoritative, high-quality publications, which contribute to critical debate in the field and serve as major sources of information on international arbitration jurisprudence and local arbitral laws. Without Albert Jan, these publications may not exist as we know them today and for that we are forever grateful.



ICCA

INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION

*With special thanks to the
dozens of colleagues who
contributed anecdotes,
messages, photographs
and more.*

