

# Tributes to Gerold Herrmann, outgoing President of ICCA

It can be said, very simply and without fear of hyperbole, that no one has contributed more to the cause of international arbitration than Gerold Herrmann, given his tireless, indeed passionate -- and successful -- promotion of the UNCITRAL Model Law across the world during his decade-long tenure as Director of the UNCITRAL Secretariat. (This is said without forgetting the unique contribution to the 1958 New York Convention and the 1976 UNCITRAL Arbitration Rules made by Gerold Herrmann's predecessor as President of ICCA in the years 1978 to 1986, that is to say Professor Pieter Sanders, who is affectionately referred to by the former as "Pieter the Great".) In assisting States as they sought to implement the Model Law -- he described his role as that of a "midwife" -- Gerold Herrmann visited 135 countries and logged more than 200,000 air miles, and in the process did much to promote global adherence to the New York Convention and an understanding of best practices in arbitration. Since his retirement after 26 years of UN service in 2001, Gerold Herrmann has notably been an Honorary Professor at Vienna University, President of the London Court of International Arbitration, and a much-appreciated speaker around the world.

As Gerold Herrmann now concludes his second and final term as its President, ICCA pays homage to an exemplary colleague, and to his generosity, vision, cosmopolitanism, tolerance, and utterly irrepressible humour.

*Jan Paulsson, incoming President of ICCA  
May 2010*



Gerold Herrmann with UN Secretary-General, Kofi Annan, UN General Assembly



Gerold Herrmann and Pieter Sanders, UNCITRAL

## Tributes by ICCA Members

Dear Gerold,

Jan Paulsson has written a well-deserved tribute to which it is difficult to add anything, without getting into the writing of a whole book.

I have not had the privilege of working with you outside the ICCA environment but I wish to tell you what a pleasure it has been to do so and to benefit from your strong leadership and wonderful sense of humour. You have served ICCA marvelously and demonstrated tremendous courage and determination in the face of severe health adversity. With the support of your

family and the affection of all our numerous friends, you have not only recuperated but also presided over a significant renewal and increased influence of ICCA. You have earned our gratitude and admiration.

I know that you will never retire and that your contribution to international arbitration is far from over. I wish you well in all your future activities.

With very warm regards,

Marc

*by Marc Lalonde, May 2010*

# Tributes to Gerold Herrmann, outgoing President of ICCA

## Tributes by ICCA Members Continued

Gerold and I go back to the 1970s. He was the assistant of Willem Vis, the then Secretary of UNCITRAL, and I was the assistant of Professor Pieter Sanders. In 1975-1976, Vis and Sanders were discussing the various drafts of the UNCITRAL Arbitration Rules. We watched them with awe. I remember when we raised the question when discussing the provision concerning decision making (now Art. 31(1)): "What happens if no majority can be formed" to which the Dinosaurs of international arbitration responded: "It does not happen in practice." Then Gerold was tasked to promote both the UNCITRAL Rules and the New York Convention. I was still writing my book on the Convention. We had long, mostly nightly, discussions in the loft where I lived in Amsterdam (and where Gerold slept on the couch). I remember them vividly as they were very inspirational. Gerold was promoted to Secretary of UNCITRAL, I entered into private practice. He became a true ambassador of both the UNCITRAL Arbitration Rules and the New York Convention. I know that the success of adherence to the Convention is in no small part due to the unstinting efforts of Gerold. He has a wonderful sales pitch (which we rehearsed from time to time) and a template for an implementing act (unfortunately not always followed by the new entrant). Gerold was very helpful when I was editing the Yearbook on Commercial Arbitration. During our discussions he realized how obsolete

and diverging the arbitration laws were in the beginning of the 1980s. Gerold then took it upon himself to establish a model on international arbitration to improve the situation by harmonizing arbitration laws. The result is the robust model law of 1985. That, too, became part of his sales package when touring the many States around the globe. At the end of the 1980s, I had numerous discussions with Gerold about the then mythical nature of the practice of international arbitration. He embarked on a controversial project that eventually became the UNCITRAL Notes on Organizing Arbitral Proceedings in 1996, which are now almost universally recognized as the checklist for the conduct of international arbitrations. In 2002, he became President of ICCA with his characteristic leadership which he is now to hand over to Jan Paulsson. ICCA owes a lot to Gerold's inspiring guidance. There are many things to say about the more than 35 years that I know Gerold in our respective careers. Suffice it to mention three: (1) he is one of the leading figures in the promotion of international arbitration; (2) he has very impressively handled the difficult physical challenge facing him; and above all (3) he is an extremely honest and loyal friend.

*by Albert Jan van den Berg, May 2010*



With Kofi Annan, UN



Gerold Herrmann at the Liber Amicorum for Karl-Heinz Böckstiegel in Cologne in 2001

# Tributes to Gerold Herrmann, outgoing President of ICCA

## Tributes by ICCA Members Continued

### The Great Gerold

Yes, he was great. And his contribution to ICCA, was invaluable, as it was to UNCITRAL before

A great organiser, and much-sought-after speaker, Gerold knew how to express innovative ideas effectively and with panache. Arbitration, he used to say, rests on public confidence, but the principal member of the public whose confidence is essential to sustain a foreign award is the local Judge at the Court of enforcement: this he said, was the hi-fi factor in international commercial arbitration!

His knowledge of arbitral law and practice was phenomenal. But what Bapsi and I found most attractive about Gerold and his charming wife Ingrid was their genial nature and their abundant sense of joy.

Having successfully led ICCA for eight years, Gerold is now succeeded by one of the world's most renowned and respected arbitrators, which signifies that ICCA remains (as it was) - in safe hands.

*by Fali Nariman, Honorary President, ICCA  
May 2010*

Dear Gerold,

For eight years you guided ICCA as chairman in a very personal way. You always

expressed your opinions with witticism. For all the members of ICCA it was a pleasure to be at meetings presided over by you.

However, I remember in particular all the visits, started long ago when you were secretary of UNCITRAL, to your home in Vienna. Many times I enjoyed the hospitality and the dinners I had with you and Ingrid. I also enjoyed seeing Filius growing up. I have received with pleasure many photos from you, as well as from Miami and from Filius' wedding. Giving up a function always has the advantage of having more time for the family, especially for Ingrid and you. For me, Gerold and Ingrid are one!

My warmest wishes for still many healthy years together.

Pieter

*by Piet Sanders, May 2010*

Part of Gerold Herrmann's role in the promotion of the UNCITRAL Model Law extended to and included education and training. When the International Committee of the Chartered Institute of Arbitrators sought his help in drafting the curriculum for its courses on international arbitration, he did so with interest, generosity of time and dedication. He is a unique speaker on the subject of arbitration and has lectured extensively and acted as Course Director, particularly in the Middle East, paving the



Lunch at the Böckstiegel Liber Amicorum, Cologne, 2001



Gerold and Ingrid Herrmann with Karl-Heinz and Ali Böckstiegel, Florida

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## Tributes by ICCA Members Continued

way for a better grasp of knowledge in international arbitration.

Yours sincerely,  
Prof. Dr. Nael G. Bunni

*by Nael Bunni, May 2010*

I had the opportunity and privilege of participating in the Working Groups of UNCITRAL which deliberated on the original text of the UNCITRAL Arbitration Rules. Preceding the adoption of the Rules in 1976 by the General Assembly of the United Nations, Gerold was instrumental in explaining and illustrating the legal implications of the Rules in his many speeches on the adopted Rules and the UNCITRAL Model Law. He was tireless in his efforts of listening to and answering my questions and those of us who in the early 70s were still not fully exposed to the international scope of the Rules and the Model Law.

Gerold is a humble man of great intellect, immense patience and perseverance and he is very astute in his beliefs. I am grateful for the concern he expressed at updating the laws of various countries and particularly those of developing countries, including mine, and in his encouragement that we would achieve desirable economic development by modernising our Arbitration Laws and sharing understanding with other players in the field of ADR. A lot of the achievements we have made in the field is due to his selflessness, understanding and amicable disposition.

Although Gerold is vacating the seat he has ably held in the last few years as President of ICCA, I pray that he remains strong and healthy to continue to see the continuous achievements and success of his tireless, assiduous work in the field of Arbitration for a long time to come.

I cannot end this tribute without remembering Ingrid, Gerold's lovely and

amiable wife who has stood by him in all these laudable achievements, she has also shown endearing love and friendship. God Bless them both with their wonderful son and daughter-in-law.

Tinuade Oyekunle

*by Tinuade Oyekunle, May 2010*

Among the many professional merits of Gerold Herrmann worthy of praise, I should mention his constant attention to using a comparative approach and to achieving consensus. Within his possibilities, that contributed much to developments in ICCA and UNCITRAL, where I have chance to work for 40 years and for many years with Gerold as the President of ICCA and Secretary General of UNCITRAL dealing with many important projects in the field of international commercial arbitration. It would be not possible to omit to say that his energy to fulfill his complicated functions has been maintained by his wife and son, particularly during difficult events. It would be correct to expect that at the Congress in Rio, he will be nominated an Honorary President of ICCA.

Sergei Lebedev

*by Sergei Lebedev, May 2010*

Gerold: Many thanks for all you've done over the years.

*by Rusty Park, May 2010*

To speak of Gerold's remarkable contribution to the development of international arbitration is to rehearse the obvious. In this tribute of mine on the occasion of the conclusion of his second term as President of ICCA, I prefer rather to recall one quality out of the many with which Gerold is endowed humanly and professionally: his wit and humour. This quality, that I have

# Tributes to Gerold Herrmann, outgoing President of ICCA

## Tributes by ICCA Members Continued

always envied, has permitted Gerold to find on every occasion the nicest and most appropriate words when addressing an audience in official gatherings of ICCA and of other international organisations where he played a primary role. Thanks to this quality, Gerold has been able to successfully handle the Council's meetings reconciling the views of its members and finding the most appropriate solutions under the circumstances by saying words of wisdom whenever the internal debate risked bringing stalemate.

All the best, Gerold!

*by Piero Bernardini, May 2010*

Dear Gerold,

As from the moment I joined ICCA, during the Nariman Presidency, you have been a pole of friendship, an example of conviviality and the magician able to hide your immense culture under the simplicity and clarity of your lessons.

Obviously, you did not change a comma in your personal approach after taking the wheel – a further merit of yours, besides what you did in UNCITRAL and your many other contributions to the arbitral culture.

As a further compliment, the presence of Ingrid at your side has increased even more your power to attract real friends. With your permission, we are all very fond of her. Things being so, Sueli and myself look forward to many other occasions enjoying the company of you two.

Carlos Nehring Netto

*by Carlos Nehring Netto, May 2010*

Tribute to Dr. Gerold Herrmann, outgoing President of ICCA

As time goes by, many things will fade out from my memory, but one thing I will always remember, that is, Dr. Gerold

Herrmann's endless energy and enthusiasm on promotion of adoption of the UNCITRAL Model Law in worldwide regime. Lecturing many times in Mainland China during the time period I worked at CIETAC, Gerold spared no effort to convince the Chinese legal professionals, and the legislators and judges as well, that the Model Law is a good law which contributes to a great deal of harmonization of national laws on international commercial arbitration. I believe that very few one can resist the temptation to concur with his insightful perspectives. In his both positions as Secretary General of UNCITRAL and President of ICCA, Gerold have made remarkable contribution to the development of international commercial arbitration. He deserves our reverence to the highest degree.

To a large extent, the healthy development of international commercial arbitration relies on the pro-arbitration policy adopted by the national law and national authorities. Among others, the less intervention of national court on arbitration is quite essential, as it has been clearly addressed by Article 5 and Article 6 of the UNCITRAL Model Law. However, in some developing countries, another issue should not be underestimated or overlooked. The excessive intervention by administrative authorities is placing a harmful obstacle to arbitration. In line with the coherent spirits as inspired by Model Law, there is a need to make further reflection on this spiny problem and take a reform to remove the hindrance. And I believe this spirit has been repeatedly highlighted by Dr. Gerold Herrmann before.

*by Wang Sheng Chang, May 2010*

Dear Gerold,

Jan has already listed the most important of your many and unique professional accomplishments and, no doubt, many other colleagues and friends will further elaborate on these. Of course I share these well deserved tributes to you. But rather than

# Tributes to Gerold Herrmann, outgoing President of ICCA

## Tributes by ICCA Members Continued

reiterating them, I think I should focus on more personal memories.

Though we both come from the Institutes of international law at Cologne University, it was not till the sessions of UNCITRAL that we started having a regular contact, you already as the leading figure in the UNCITRAL Secretariat on the development of the various arbitration documents which later changed the world of international arbitration, and I as the representative of the International Law Association. From these sessions I brought home the UNCITRAL Model Law and, initiated by the DIS, we succeeded with Gerold's support in convincing our Government and Parliament to adopt the Model Law as our national arbitration law in Germany.

From that time on, we, and our wives Ingrid and Ali, met at many meetings in Germany and all over the world and became friends. An even closer cooperation developed when, as the first non-English Presidents of the LCIA, you followed me and Yves Fortier into a most successful term then continued by Jan Paulsson and now by Rusty Park. And, of course, your presidency of ICCA now coming to an end gave us a chance to work together again. I personally owe you particular gratitude for the Laudatio you gave – in typical “Gerold fashion” – at the occasion of the Liber Amicorum for me in Cologne in 2001 attended by so many colleagues and friends from all over the world. You will certainly agree that this tribute must also include Ingrid, who always, and particularly during the period of your serious health problems, supported you with her admirable love and strength. It is very fortunate that you and we now happen to have vacation homes not far apart in Florida which gives us the opportunity to meet regularly. Ali and I already look forward to our traditional dinners in Boca Raton in November.

I attach photographs which bring back some of the memories just recalled. Thank you, and Ingrid, again with our

traditional toast: Viva La Boca!

Karl-Heinz Böckstiegel

*by Karl-Heinz Böckstiegel, May 2010*

Dear Gerold:

Thank you very much for your unprecedented service as the president of ICCA. You miraculously survived a health crisis because of your strong sense of responsibility to ICCA. Thanks to your effort, ICCA added its importance in the arbitration world despite an increasing competition in the market. I regret that I could not make much contribution to ICCA under your presidency except that I regularly attended the Council Meetings, Congresses and Conferences and enjoyed in particular a gift of pICCAbia. I wonder with all others what I can receive in Rio. Although I am retiring in Rio according to our regulation, I would like to remain as an active advisory member as long as possible. I hope that you now rest well and gracefully watch what your successor will do.

Yasuhei from Tokyo

*by Yasuhei Taniguchi, May 2010*

Gerold Hermann is truly the father of modern-day international arbitration. All of us who dabble in the world of international arbitration owe him a tremendous debt of gratitude.

A leading jurist with a keen sense of humour. I only wish he had more disciples. Merci Gerold et longue vie!

Yves

*by Yves Fortier, May 2010*