



For Pieter Sanders' 100th Birthday: European Company – New York Convention – UNCITRAL

O t t o S a n d r o c k *

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It is one of the noblest tasks of comparative law journals to honor jurists of extraordinary international importance. The following contribution should also serve this purpose. It is dedicated to Prof. Dr. Pieter Sanders, Rotterdam, who celebrates his 100th birthday on 21 September 2012.

I. Pieter Sanders as a European Jurist

Pieter Sanders had the idea to create the European Company (*Societas Europaea, SE*) as a supranational corporate entity. He drafted the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 and significantly contributed to its signing and ratification. For decades, he participated in the work of the UNCITRAL commission. The fruits of his labour are unmistakable. The SE revolutionized European corporate law – *sit venia verbo*. The New York Convention of 1958 is considered as the most successful convention in international commercial law. The works of the UNCITRAL commission significantly contributed to the wealth of today's international commercial law. In addition, Pieter Sanders earned merit as resistance fighter during the German occupation of The Netherlands by German troops. As a lawyer, he advocated for the abolition of the European colonial systems – contrary to the expectations of his home country. As administrator of German assets seized by The Netherlands after the Second World War, he also safeguarded German interests and, therefore, became a sought-after advisor for numerous German companies – not to mention his efforts for the University of Rotterdam and modern art.

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II. Pieter Sanders in the Great Tradition of the Dutch Internationalists

Pieter Sanders belongs thereby to the tradition of the great Dutch internationalists. Reference will be made below to some of the representatives of this Dutch legal culture. The selection might appear arbitrary. Of course, here, it should only be attempted to indicate a specific scholarly-historical line, which started in The Netherlands and has given forceful impulses to the international development of law.

The chain of the great Dutch public international law experts commenced more than 400 years ago with the still unsurpassed Hugo Grotius (1583-1645).¹ In the same 17th century, Paul Voet², Ulrich Huber³, and Johannes Voet⁴ created influential schools of thought in the area of private international law. In the 18th century, Cornelis de Bynkershoek (1673-1743)⁵ enriched public international law with his writings.⁶ At the end of the 19th century, Nobel Peace Prize laureate T.M.C. Asser tied into this tradition with practical steps. It is in particular thanks to him that the first Hague Peace Conference of 1899 succeeded in establishing the Permanent Court of Arbitration with seat in The Hague. The “T.M.C. Asser Instituut”, created in 1965, was named after him.⁷ Pieter Sanders is currently the end of the chain of these great Dutch Internationalists. Obviously, the emphasis of his work is neither found in traditional public international law, nor in traditional conflict of laws. In the era of industrialization and global trade, international commercial law was at the forefront of his achievements, which he influenced at significant points as a practitioner.

¹ See *Franz Wieacker*, *Privatrechtsgeschichte der Neuzeit*, Göttingen 1952, pp. 166-172.

² See *Gerhard Kegel*, *Internationales Privatrecht*, 7. edition, Munich 1995, pp. 138 *et seq.*

³ See *Gerhard Kegel* (n. 2 above) pp. 138 *et seq.*

⁴ See *Gerhard Kege* (n. 2 above) pp. 138 *et seq.*

⁵ See *Kinji Akashi*, *Cornelius van Bynkershoek: His Role in the History of International Law*, Martinus Nijhoff (Kluwer) 1998.

⁶ He was president of the *Hooge Raad* from 1723 until his death. In public international law he is referred to as positivist, because he reasons the validity of public international law not with natural law but with the positive agreements between States. In maritime law, he advocated the theory that the sovereign rights of a State over its coastal waters reaches as far as it can effectively control these waters (e. g. by the range of its canons).

⁷ The public international law expert J. H. W. Verzijl (1888 - 1987), professor at the University of Utrecht, also belongs to this pedigree. He became generally known with his seven volume masterpiece “International Law in Historical Perspective” (Vol. 1: General Subjects, A. W. Sijthoff: Leiden 1968: Vols. 2 – 10: Leiden 1969-1979) . See also *Malcolm N. Shaw*, *International Law*, 6th ed., Cambridge University Press: 2009, pp. 25 *et seq.*

III. Birth, High School, University⁸

Pieter Sanders was born in 1912 in Schiedam, a suburb of Rotterdam, into a family of architects. After attending the local high school, in which special emphasis was put on the study of the Latin language, he studied law at the University of Leiden from 1930 to 1934. On the side, he became interested in art. Initially, his passion was for photography (photos taken by him have been exhibited); later, film was added. As of September 1934, he worked on his doctoral thesis in Leiden concerning the challenge of arbitral awards⁹, on the basis of which he obtained his PhD there in 1945. In the meantime, he had taken his oath as a lawyer in Amsterdam already in January 1936 (as a 24 year old!).¹⁰

IV. First Practice as Lawyer (1936-1942)

From 1936 to 1939, he was first employed as lawyer in a law firm in Amsterdam. In the first year, his salary was 0.00 Guilder.¹¹ After one year, he received 100.00 Guilder per month, while 25.00 Guilder were required to pay the rent of his room.¹² Pieter Sanders got married and his oldest son was born in 1939. In the same year, Pieter Sanders returned to Rotterdam to work in another law firm, while, in the meantime, he had acquired a number of clients of his own. However, the Second World War had broken out in the meantime. The German *Luftwaffe* bombarded Rotterdam in May 1940. His daughter was born during the turmoil of the war. In 1940, Pieter Sanders established his own law firm in Schiedam. However, The Netherlands was occupied by German troops.¹³ His legal practice ended abruptly, when Pieter Sanders was loaded onto a truck in May 1942 and was interned as a hostage (*gijzelaar*) in *Klein-seminarie Beekvliet* in *Sint-Michielsgestel*.

⁸ Recently, Pieter Sanders recorded his memoirs (*Piet Sanders, Herinneringen*, SUN: Amsterdam 2009, 131 pages).

⁹ The subject-matter of his thesis, supervised by Prof. Rudolph Pabus Cleveringa, is: “Aantasting von arbitrale vonnissen” [Annulment of Arbitral Awards].

¹⁰ See *Herinneringen* (n. 8 above) pp. 24 *et seq.*

¹¹ This brings back memories of my own traineeship (Referendariat), which commenced on 1 January 1954 in Lower-Saxony. During my first months, I, too, did not receive a salary. Later it increased during the years from 90.00 DM (until 1958) to 250.00 DM (1958).

¹² See *Herinneringen* (n. 8 above) pp. 26 *et seq.*

¹³ At the same time, the registration of Jewish citizens commenced. They had to put a Star of David on their cloths. Pieter Sanders lived in a mixed-confession marriage. He belongs to the Dutch Reformist Church; his wife Ida, who passed away in 2010, was of the Jewish faith. After the Germans occupied The Netherlands, Pieter Sanders organized meetings in his home with the priest and other members of the Reformist community. This community later added his wife as member. See *Herinneringen* (n. 8 above) p. 39.

V. Internment (May 1942 until Christmas 1943)¹⁴

There were 600 hostages held, among them some of the leading figures of Schiedam. The hostages served as “pledges” for the Germans in case Dutch resistance fighters committed attacks during which German nationals were killed and for whom retaliation would have been needed. Already in August 1942, a bomb had exploded on rail tracks in Rotterdam, with the aim of preventing the transportation of Dutch forced laborers to the German war industry. As an act of retaliation, the execution of 50 Dutch hostages was ordered, among them Pieter Sanders. However, after strong public protests, in particular by churches, the number of these hostages was reduced to five, among whom Pieter Sanders no longer belonged. Thus, he survived. In October 1942, once more retaliation was carried out by executing three of the hostages; once again the name of Pieter Sanders was not on the death list. Subsequently, such executions were stopped. In the end of 1943, Pieter Sanders was released to go home. He was almost arrested twice. However, he had cautiously planned for an escape route and was able to escape each time. He lived out the rest of the war in Schiedam, where the Sanders’ third child was born.

VI. Secretary General in The Hague 1945/46¹⁵

The first post-war Prime Minister of The Netherlands, named Schermerhorn, appointed Pieter Sanders (then 33 years old!) as Secretary-General of what was at the time called the general war ministry (*Algemene Oorlogvoering van het Koninkrijk*) and which was divided into three divisions: internal security services; foreign intelligence; and government intelligence services. In that government, Pieter Sanders met up again with a lot of his colleagues who had previously been held with him in *Klein-seminarie Beekvliet*. He got to know all the ministers well.¹⁶ Work was carried out without stop in order to rebuild the war-ravaged Netherlands.

While carrying out these tasks, on 17 August 1945, the news broke that Sukarno, who later became Prime Minister of Indonesia and at that time was still the leader of the Indonesian independence movement, had declared the then Dutch colony Indonesia independent. The Netherlands had hoped for resources from their colony for the

¹⁴ See *Herinneringen* (n. 8 above) pp. 31-39.

¹⁵ See *Herinneringen* (n. 8) pp. 40-44.

¹⁶ After Winston Churchill gave a speech at this time (1945) in Leiden, Pieter Sanders took him to his club; whisky was drunk and a good Havana smoked.

reconstruction of their country. Good advice did not come easy. A conference with an Indonesian delegation failed miserably. The first parliamentary elections after the war were about to take place in 1945.

VII. Secretary-General of the General Commission for Indonesia (1946-1947)¹⁷

In this situation, the next Dutch Prime Minister commissioned a tripartite “General Commission for Indonesia” (*Commissie-Generaal Indonesië*) and appointed Pieter Sanders as its Secretary-General. On 14 September 1946, the commission flew with its Secretary-General to Batavia. The journey took three days. After three months, on 12 November 1946, the treaty of *Linggadjati*¹⁸ was signed, by which The Netherlands and Indonesia committed themselves to cooperate to create as soon as possible a sovereign, democratic state based on a federal foundation, called “United States of Indonesia”.¹⁹ However, Indonesia was supposed to be bound to The Netherlands by way of a union. In order to discuss the details, a second meeting was held at the end of 1946 in Indonesia. The discussions failed.

Subsequently, The Netherlands carried out police actions in Indonesia. The outbreak of the Indonesian war of independence was in sight – a war which then was to last until 1949.²⁰ Pieter Sanders was not in agreement with such development. He protested and advocated to immediately release Indonesia peacefully into independence. As his interventions were not fruitful, he returned back to The Netherlands and requested at the end of 1947 that the Prime Minister release him as the Secretary-General of the Dutch

¹⁷ See *Herinneringen* (n. 8 above) pp. 45-52.

¹⁸ A cool mountain village in the province of Catalana.

¹⁹ Art. 2 of the Convention reads: “*De Nederlandse regering en de regering van de Republiek werken samen tot een spoedige vestiging van een soevereinen, democratischen staat op federatieve grondslag, genaamd Vereenigde Staten van Indonesië*”.

²⁰ The after effects of the Indonesian war of independence were felt in Europe for a long time. In 1958, the Indonesian government expropriated the Dutch owners of, among other things, the Indonesian plantations. The new Indonesian plantation owners shipped tobacco among other places to Bremen in order to sell it in Europe. The former Dutch owners obtained by way of interim measures the seizure of this tobacco. They argued that the Indonesian expropriations were unlawful under public international law, because they were discriminatory. The former Dutch ownership of the plantations would, therefore, continue. The ownership of the fruits, i.e., the harvested tobacco, would thus also remain with the Dutch owners. The higher regional court of Bremen dismissed the claim (see *Bernhard Großfeld*, *Internationales Unternehmensrecht*, Heidelberg 1986, pp. 255 *et seq.*). The then PhD supervisor and (to be) professorship supervisor of the contributor of this article, Prof. Dr. Dr. h. c. Beitzke, Bonn, was instructed by one of the parties to provide a legal opinion. Beitzke asked the contributor to assist him with this task and rewarded him with a princely remuneration.

negotiation commission. Through this, however, Pieter Sanders “ruined it”, as the popular saying goes, “with his own home country.”

*VIII. Resuming Private Practice (1948-1959) and Arbitration*²¹

Upon stepping down as Secretary-General of the Indonesia Commission, Pieter Sanders was accused of having “betrayed” The Netherlands and “sold” Indonesia. Pieter Sanders’ family was also confronted with these resentments. On the street, other children did not like to play with the Sanders children anymore. People turned their backs to his wife. It was thus not easy for Pieter Sanders to resume his private practice in Schiedam. Clients did not show up. Initially, he did not have any income. Luck helped him. A former resistance fighter asked Pieter Sanders whether he would be willing to write a book about the funding of the resistance during the German occupation for a national foundation.²² The compensation from this helped him to financially endure the first year as lawyer.

Thereafter, Pieter Sanders got involved in arbitration. He was one of the founders of the *Nederlands Arbitrage Instituut* in Rotterdam, whose president he would later become. At the same time, he founded the Dutch *Tijdschrift voor Arbitrage* to take over from the *Arbitrale Rechtspraak*, which had been published since 1919. Pieter Sanders also became a member of the arbitration commission of the International Chamber of Commerce in Paris in 1949. In 1961, he became founding member of *International Council for Commercial Arbitration (ICCA)* and co-editor of the *Yearbook of Commercial Arbitration* as well as the *Handbook of Commercial Arbitration* and the *ICCA Publications*. Pieter Sanders’ activities as member of the *UNCITRAL Commission on Arbitration and Conciliation* are evidenced by his recently published article about the works of the Commission.²³

*IX. Morocco (March until June 1956)*²⁴

In 1956, Morocco gained its independence from France. The then Sultan Mohammed, later King Mohammed V²⁵ (both worldly and holy leader), was searching for a legal advisor in Europe in order to put order into the relationship between his country and the

²¹ See *Herinneringen* (n. 8 above) pp. 53- 59.

²² *Nationaal Steun Fonds (NSF)*.

²³ *Pieter Sanders, The Work of UNCITRAL on Arbitration and Conciliation*, 2nd ed., Kluwer 2004.

²⁴ See *Herinneringen* (n. 8 above) pp. 70-71.

²⁵ He claimed to be the immediate descendent of the Prophet.

former colonial power France. The choice fell on Pieter Sanders because he had gathered experience in the context of the independence of Indonesia and since then was considered as a lawyer independent of the former colonial powers. Pieter Sanders chose a friend who he had encountered in his negotiations regarding Indonesian independence and who worked at that time at the Dutch employers' association.²⁶ He suggested this person to the King as the economics advisor. Both of them were appointed ministers and members of the Moroccan government cabinet from 12 March until 30 June 1956.

The negotiations between Morocco and France took place alternately in Rabat and in Paris. They led to Morocco joining the monetary union of the French Franc and to creating a Moroccan national and commercial bank. In addition, guidelines were drafted for its customs policy. During the negotiations in Rabat, it was the moral duty of the two Dutch ministers to participate in the weekly Friday procession to the mosque. The King led the procession on his horse. He was followed by the ministers by foot, among them Pieter Sanders and his Dutch colleague. However, neither entered the mosque. They waited until the end of the prayers and re-joined the procession back to the palace. These stays in Morocco were magnificent experiences for Pieter Sanders.

X. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958²⁷

Because Pieter Sanders had, in the meantime, gained a reputation as a specialist in arbitration, he was sent by the Dutch government as a delegate to the conference of the United Nations in New York in 1958, during which the Convention on Recognition and Enforcement of Foreign Arbitral Awards was to be negotiated.

Three weeks were allocated for the conference. Pieter Sanders – constantly busy with his personal contribution thereto – later talked with the author of this article on numerous occasions about the development of the negotiations. In the first week, negotiations centered around a draft that the UN had drafted itself, but that was met with little success. At that time, Pieter Sanders was living with his father-in-law, whose house was in Long Island. During nice weather, Pieter Sanders, resting on a deck chair in the garden, worked on his own draft, which he presented at the conference at the beginning of the second week. This draft was broadly welcomed and replaced the previous draft. The *Dutch Proposal* served as basis of the negotiations during the subsequent two weeks. The conference ended, as known by every arbitration

²⁶ Max Weisglas, an economist.

²⁷ See *Herinneringen* (n. 8 above) pp. 58 *et seq.*

practitioner, with a convention, which, since then, has completed its triumphal march around the world.²⁸

Pieter Sanders was later honored for his efforts in arbitration with a Festschrift, which was presented to him at the ICCA Congress in Hamburg in 1982 for his 70th birthday.²⁹

XI. Enemy Assets with Supervisory Board Positions in Thyssen, Stinnes, Shares in Unilever³⁰ as well as Supervisory Board Positions in Dutch Cooperations³¹ (since 1949)

After the difficult year of 1948, during which Pieter Sanders had resumed private practice, he received the assignment from the then Minister of Justice to deal with enemy assets (German assets in The Netherlands). Essentially, this involved dealing with the private assets of the industrial giant Fritz Thyssen. The latter had initially worked together with Hitler, but had already become his open opponent some time before the outbreak of the Second World War. Fritz Thyssen therefore first escaped with his wife to Switzerland at the time of the outbreak of the war.³² Later, he and his wife left for France.³³ There, however, Fritz Thyssen was caught by the German occupation and interned.³⁴

Already in December 1939, Fritz Thyssen had been expropriated by the Nazi regime and his assets been handed over to a trustee.³⁵ The expropriations, however, had no extra-territorial effect, but affected only his assets in Germany. His foreign assets – also those in The Netherlands – remained at first with Fritz Thyssen. However, these assets were, after the end of the war, put under administration as enemy property by the Dutch government and Pieter Sanders was appointed, as already set out, as their administrator. From a Dutch perspective, two aspects were relevant for the decision on these assets: on the one hand, Thyssen's *Vereinigte Stahlwerke* had delivered substantial amounts of arms to the German army. On the other hand, Fritz Thyssen had opposed to Hitler's war

²⁸ In the meantime, the New York Convention has been ratified by more than 140 States.

²⁹ A.C. Schultz / A.J. van den Berg (eds.), *The art of arbitration: essays on international arbitration, liber amicorum Pieter Sanders*, Kluwer Law: Deventer *et al.*, 1982.

³⁰ See *Herinneringen* (n. 8 above) pp. 60-64.

³¹ See *Herinneringen* (n. 8 above) pp. 64-68.

³² Regarding what follows, see *Hans Otto Eglau*, *Fritz Thyssen, Hitlers Gönner und Geisel*, Berlin 2003, pp. 203 *et seq.*

³³ See *Eglau* (n. 32 above) pp. 234 *et seq.*

³⁴ Thyssen and his wife were not even spared a stay in the concentration camps of Sachsenhausen, Buchenwald and Dachau; see *Eglau* (n. 32 above) pp. 238 *et seq.*

³⁵ See *Eglau* (n. 32 above) p. 220.

efforts. Eventually, the negotiations between Pieter Sanders and Fritz Thyssen led to a settlement in relation to his assets in The Netherlands.

His cooperation with the advisor of the Thyssen family, Rechtsanwalt Prof. Dr. Robert Ellscheid from Cologne,³⁶ was so good that Pieter Sanders was appointed by the then Thyssen Holding (which managed the Thyssen conglomerate) to the supervisory board of its subsidiary, the August Thyssen-Hütte GmbH (ATH). ATH was the most important subsidiary of the Thyssen corporation. There, Pieter Sanders got to know the German mine workers' participation (*Montan-Mitbestimmung*) – an important experience for developing his later draft of the European Company (*SE*). In this role, Pieter Sanders also had to maintain personal contact with the Thyssen family, which was at the time living close to Buenos Aires. The Thyssen family had made several investments in South America under the aegis of the ATH, in among other places, Paraguay and Brazil, for which Pieter Sanders was also responsible. After Fritz Thyssen died in 1951, his widow returned to Germany (Munich), where, as of then, Pieter Sanders and his wife visited the widow on a frequent basis. Other members of the Thyssen family, who had actively resisted Hitler's regime, also retained Pieter Sanders as their lawyer.³⁷ In addition, his activities as the Dutch administrator for enemy property resulted in Pieter Sanders' positions in the supervisory board of the Dutch subsidiary of the Stinnes corporation.³⁸

Supervisory board positions in Dutch corporations followed, for example at KLM³⁹, RSV⁴⁰, Ogem⁴¹, Het Parool⁴² and Ter Meulen⁴³.

³⁶ Already in the year 1948, Ellscheid had defended Fritz Thyssen in his de-nazification proceedings. *Eglau* (n. 32 above) pp. 280 *et seq.* Fritz Thyssen was condemned to pay 15% of his assets to a restitution fund and because of the payment was classified as a "Mitläufer".

³⁷ Fritz Thyssen's brother, Baron Heinrich Thyssen, as well as his son, Stephan among others; also, the southern-German family Schicht, who owned a minority stake in Unilever N. V., which was seized by the Dutch government as enemy property.

³⁸ See *Herinneringen* (n. 8 above) p. 61. Pieter Sanders had to negotiate with the U.S. administrator of enemy property, because the parent company had its seat in the U.S.A.

³⁹ As Pieter Sanders writes in his *Herinneringen* (n. 8 above, pp. 64 *et seq.*), when he took on his position on the KLM supervisory board, it was shortly before the financial crash. A tough restructuring course was, therefore, required (among others, the reduction of staff from 16.000 to 10.000 employees). The supervisory board remuneration amounted initially to 1.000 Guilder per year only, but it was connected to another, unparalleled, advantage, namely the right to a free flight at any time on any of the KLM planes. Pieter Sanders even took advantage of this when the contributor of this article worked on arbitration and conciliation proceedings in the years 1978 to 2004.

⁴⁰ *Rijn Schelde Verolme*, a Dutch shipyard company.

XII. Corporate Law and the European Company (Societas Europea, SE)⁴⁴

His numerous supervisory board positions led the Dutch government to send Peter Sanders to national and international commissions dealing with the development of corporate law. From 1972 through 1982, Pieter Sanders was member of the UN *Commission on Transnational Corporations, TNC* in New York. In sessions held every year in New York, the commission made an effort to establish a code of conduct for these corporations. However, the efforts were not successful.

On the other hand, Pieter Sanders' efforts to create the supranational legal entity of a European Company (*Societas Europea, SE*) met with tremendous success. Initially, Pieter Sanders had only advocated the introduction of such legal entity in speeches and articles. After he had been appointed founding dean of the law faculty of the Erasmus University in Rotterdam in 1959, his inaugural lecture's title was „*Naar een Europese Naamlooze Vennootschap?*“ in which he set out his thoughts for creating an SE. The European Commission took note of him because of this, and invited him to take on the chairmanship of an expert commission to develop an initial draft of the statutes of an SE. Eventually, even though approximately 40 years later, the so-called “Sanders Draft” led to the issuance of Council Regulation (EC) No. 2157/2001 of 8 October 2001 on the Statute for a European Company (SE)⁴⁵ and the Council Directive 2001/86/EC of the same date with regard to the involvement of employees.⁴⁶ The success of the SE has, however, only become evident in the last years. In December 2011, 993 (!) SEs had been established in whole of Europe⁴⁷, 92 of which in Germany alone.⁴⁸ The most renowned German SEs are, amongst others, Allianz, ARAG, BASF, Bilfinger Berger,

⁴¹ Initially, a company mainly active in Indonesia (for, among others things, the manufacturing of electrical appliances); after the independence of Indonesia, only the part in Curaçao remained, which caused Pieter Sanders to travel also to Central America.

⁴² A newspaper.

⁴³ A department store chain.

⁴⁴ See *Herinneringen* (n. 8 above) pp. 68-69.

⁴⁵ In force since 8 October 2004.

⁴⁶ In force since 10 November 2001.

⁴⁷ Many of these SEs are, however, so-called “shell SEs” (companies that do not carry out any commercial activities and have no employees) or “UFA SEs” (corporations whose activities and number of employees have not been determined), or so-called “micro SEs” (with less than five employees). See *Otto Sandrock*, *The Impact of European Developments on German Codetermination*, in: Jean du Plessis (ed.), *German Corporate Governance in International and European Context*, 2nd ed., Berlin 2012, Chapter 6.4.5

⁴⁸ <http://worker-participation.eu/European-Company/SE-COMPANIES/News/Facts-and-Figures>.

BP-Europa, E.on-Energy-Trading, Fresenius, MAN, Landesbank Baden-Württemberg, Porsche Automobil Holding, PUMA, Q-Cells, SAP, SGL-Carbon, Tesa, VW, Wacker Neuson and WILO.

In appreciation of his achievements in particular in corporate law, Pieter Sanders received a Festschrift for his 60th birthday.⁴⁹

XIII. University Professor (1959-1980)⁵⁰

In the 1950, Pieter Sanders' initial one-man law firm developed into a law firm with three partners. But in 1959, he received an offer from the *Nederlandse Economische Hogeschool (NEH)* in Rotterdam, first to take over a professorship in law in the economics department and, simultaneously, to create a new law school. At the same time, one of Sanders' partners received an offer to become secretary-general in the Dutch finance ministry. The second partner was offered the opportunity to change to a judgeship in Haarlem. The three partners decided, therefore, to liquidate their law firm. Thus, in September 1959, Pieter Sanders took the position of professor as foreseen for him at the *NEH*. The *NEH* emphasized that, as professor, Pieter Sanders should maintain his connections to the private practice of law. He was therefore able to continue many of his supervisory board positions and activities in international organization alongside his activities as university professor. Four years later, in September 1963, the law school was built up far enough that it could commence with lecture and research activities.

At the *NEH*, one of the main focuses of Pieter Sanders' activities was also the collection of artwork. Already during his prior activities outside the university, Pieter Sanders had purchased artwork for his private collection, which his architect father had started. At many foreign places where he had carried out his legal practice, he had visited museums and established contacts with artists. At the *NEH*, the opportunity arose to follow his artistic tendencies to a bigger extent. He was appointed into a „graphics commission“ (*grafiekcommissie*), which decided on the purchase of art. This commission had only modest financial means at hand. Regardless, art was purchased not only of Dutch artists, but also famous foreign artists, such as the portrait of Marilyn Monroe by Andy Warhol and masterpieces by Picasso. The university also instructed Pieter Sanders to furnish the new buildings of the economics, law and sociology departments with art.

⁴⁹ *Pieter Zonderland* (ed.), *Liber Amicorum Pieter Sanders*, Den Haag 1972.

⁵⁰ See *Herinneringen* (n. 8 above) pp. 72-80.

XIV. The Art-Minded

Pieter Sanders put his efforts also into the museums in Schiedam and – in the spiritual tradition of his architect father – into the Dutch Institute for Architecture in Rotterdam. In his memoirs,⁵¹ he describes on approximately 40 pages his engagement for these institutions. His wife Ida, who passed away two years ago, also came from an art-minded family – a family that already owned two Mondriaans when his wife was still a child. A daughter of Sanders maintains an art gallery in New York. The Sanders couple bought in particular art by young, still unknown artists. After their pieces reached the level for being ripe for exhibition in museums, the Sanders donated those pieces to museums. In the course of the years, the Sanders were thus able to donate approximately 600 pieces of art to museums. A focus of the Sanders art collection is African art. In 1994, the Sanders couple donated this collection, valued at 1.6 million Guilder, to the *Museum voor Land- en Volkenkunde* in Rotterdam. A second donation of African art followed in 2005; this one was given to the *Afrika Museum in Berg en Dal*. Pieter Sanders was also involved in the *Museum Beelden aan Zee* as well as the *Stedelijk Museum Amsterdam* and *Museum Kröller-Müller* close to the village Otterlo northwest of Arnhem, which are both known by many Germans. It was evident for the Sanders couple that they also be connected on a personal level with the artists, whether at a time when these were completely unknown (for example Henry Moore), or known (for example Jack Lipschitz, Marc Chagall, Constantin Brancusi).⁵²

To his friends, however, he is above all an art collector for his own house (inherited from his father) at Burg. Knappertlaan 134. The house of the Sanders is full of masterpieces. With every step one is captivated by the aura of a painting, a sculpture, a collage or another piece of art. The entire house is an art paradise! In the attic, there are approximately 400 (mainly) paintings, which are stocked up and are also lent to friends.

XV. The Connoisseur

Pieter Sanders knows also how to live. If sessions started around 9:00 and 10:00 a.m., Pieter Sanders appreciated first being served tea, and in particular tea of a higher quality. What a refreshment for the author of this contribution, who was also used to starting his morning after an extensive coffee breakfast with a green tea! For lunch Pieter Sanders did not request high standards. Dinner, however, had to be high-quality.

⁵¹ See *Herinneringen* (n. 8 above) pp. 81-121.

⁵² See *Herinneringen* (n. 8 above) pp. 110-121.

As arbitrators, we were often in Geneva. If we were not invited by Robert Briner († 2010)⁵³ and his wife Frances to their house or to a restaurant, the two of us frequently went to the *Ristorante Ticino* in the old town of Geneva, where one could splendidly dine at that time. In the choice of apéritifs and wines, Pieter was a great connoisseur. What was important for him, however, was a real Havana after the meal. Whenever he was invited to the house of the author of this article in Münster, the author bought a Havana every time, which had already been put in a glass tube in Havana in order to avoid the loss of aroma, knowing how important such cigar was for him – and this in a strictly smoke-free household.

XVI. The Friend

During the period of approximately 26 years (from 1978 through 2004), the author of this contribution worked in numerous arbitration and mediation proceedings together with Pieter Sanders. Each time, we were both co-arbitrators (or co-mediators). Before these proceedings, we knew each other only in passing, at the occasion of a speech Pieter Sanders had given at the end of the 1960s on the draft statute of the European Company at Ruhr University Bochum, where the author was active. After our common arbitrator activity had begun, we knew very soon that we could trust each other (as well as our chairman Robert Briner). When once, with heavy artillery and great legal efforts it was attempted to dispose of the author as arbitrator, the then 84-year old Pieter Sanders took control of the situation. With the greatest friendliness and with disarming power to convince, he set out the main arguments against the application in a few minutes. The applicants were flabbergasted and speechless and immediately withdrew their application. The author will always remember Pieter Sanders for that.

XVII. Summa summarum

From the 1930s until well into the new century 2000, Pieter Sanders took on many activities: he was a successful lawyer; resistance fighter, once close to death, but having escaped; de-colonizer, in a role initially not acknowledged in his home country; administrator of enemy property, yet without bias and with such moderation that the owners of the administered property asked him to take on other functions once the administration of enemy assets had terminated; highly respected arbitrator and art

⁵³ Robert Briner was a lawyer in Geneva. In 1985 he was appointed as arbitrator in the Iran-United States Claims Tribunal in The Hague; from 1989 until 1991 he was its president. From 1997 until 2006 he was the president of the International Court of Arbitration of the International Chamber of Commerce.

collector; friend of Germany; convinced European with a worldwide aura. Pieter Sanders thus co-authored more than half a century European law and art history. A great European jurist, a vivid optimist, an incorruptible, kind human being, who was often ahead of his time. In particular, he has made outstanding contributions to the re-integration of the young Federal Republic of Germany into a free Europe after the Second World War. The author of this contribution can call himself lucky to have such a friend.