

President's Message

I suspect you were as surprised as I was when I read in March that Pierre Tercier would not serve a second term as Chairman of the ICC International Court of Arbitration and would indeed leave his post in June 2008, six month before his first term was due to expire.

I am confident to speak on behalf of ASA's membership at large in expressing the greatest regret about Pierre's resignation and the circumstances surrounding it. ASA and the Swiss arbitration community thank Pierre Tercier for his outstanding services at the helm of the internationally most widely recognized arbitration institution. Pierre has been a dynamic, forceful, as well as thoughtful ambassador for the ICC arbitration system and, from what transpired from within the Court, an inspiring leader and motivator of the Court's staff. We also greatly appreciated the excellent relationship between the ICC Court and ASA, and we sincerely hope it will continue under the Court's new leadership. If I may add a few personal words on the rumored disagreements that might have led to Pierre leaving his post: If it was about who should be in direct charge of the Court's staff, there can be hardly any doubt that this must be the Chairman of the Court rather than someone else in the central ICC hierarchy. The Court's Chairman is specifically selected for, inter alia, his knowledge of and experience in international commercial arbitration. This makes him the best suited for leading the ICC's personnel that works in that special field. If the disagreement was about a greater financial independence of the Court, what counts is that the Court is given the financial means to recruit the number and quality of staff that is necessary to deal with the steadily increasing number of cases and, even more important, the ever increasing complexity of ICC arbitrations – and to compensate the staff appropriately and commensurate to the challenges of their task.

ASA wishes the new Chairman of the Court, whose name is not yet known at the time of my writing these lines, the best of luck for his chairmanship and for preserving the ICC's reputation as a first class international arbitration institution.

Zurich, 2 May 2008

Dr. Markus Wirth