

In Memoriam Robert Briner

Thursday, December 3, 2009 was a very sad day for the arbitration world. Robert Briner, a friend and a mentor of many of us, passed away.

Robert was remarkable in all respects, both as a human being and as a lawyer.

At the professional level, no one could dream of a more outstanding career. Robert became very active in the field of arbitration when it emerged in the 1970's as a prominent area of activity. He built a reputation very quickly as a man who had a great sense of case management and the ability to make decisions quickly and efficiently. This is the message that I had already received in the early 1980's when one of my clients asked me to deliver what was to become my first legal opinion in an arbitration matter, a major ICC case over which Robert presided in Mauritius.

Robert's reputation made him a natural candidate for appointment in 1985 as Chairman of Chamber Two of the Iran-United States Claims Tribunal in The Hague and subsequently as President of the Tribunal from 1989 to 1991. The magisterial way in which he conducted the hearings and managed these difficult cases became known internationally. In 1997, Robert was appointed Chairman of one of the panels of Commissioners established by the United Nations Compensation Commission; at the same time he became a member of the Claims Resolution Tribunal for Dormant Accounts in Switzerland.

His vast experience and talent led him subsequently to be appointed Chairman of the ICC International Court of Arbitration, a function that he performed over a period of ten years. During this whole period, he traveled the world to extend and increase knowledge of ICC arbitration on the five continents with an unparalleled dedication to the Institution. One could not express in better terms than those used by his colleagues in the introduction of the *Liber Amicorum* Robert Briner, the role that he played during all those years: "*Robert brought to the work of the Court a practical perspective acquired from his long and rich experience as arbitrator and counsel. His strong leadership skills, his innate sense of fairness, together with open-mindedness and the truly international view of the world, enabled him to preside with great skill over Court sessions where difficult, sensitive decisions often had to be taken. Robert's demanding, yet very human qualities made him much respected and highly appreciated by the members of the Secretariat of the Court, who have enjoyed the benefit of his knowledge and unfailing support.*"

Robert will undoubtedly be remembered by all of us as the best Chairman of the ICC Court ever. It is doubtful that the ICC will ever be able to find a Chairman who, beyond his very demanding activity as arbitrator, will be able to devote as much

time to the promotion of the Institution, everywhere, all the time, year after year. I keep remembering this image of Robert attending from the first to the last minute all of the sessions of the Arbitration Committee of the International Bar Association (IBA) during its annual conferences and taking the floor whenever it was necessary to defend or promote the work of the ICC.

All this was not enough to fulfill Robert's sense of leadership. He filled numerous other functions in various institutions, including the IBA where he chaired the Section on Business Law from 1992 to 1994, the International Council of Arbitration for Sport (ICAS), the International Council for Commercial Arbitration (ICCA) and the Swiss Arbitration Association (ASA).

Sitting on an arbitration panel with Robert was a distinct pleasure. He was truly independent, quick, and to the point. The moments one could share with him after the hearings, talking of personal and professional issues over a good meal and a fine glass of wine, was a true moment of delight.

Beyond his outstanding professional achievements and qualities, Robert will be remembered for his remarkable human qualities to which most of us would aspire, and his very attractive and convivial personality. Despite his eminence, Robert remained a very modest man, always keeping a low profile, listening to others, questioning them on their family and personal interests. I last met Robert late September 2009. Although he was already very ill, he did not say a word of his personal condition. He carried himself in his usual magisterial manner. He was friendly, smiling, we had a nice dinner at his home with his wife Frances as if life was as usual. As Michael Hwang recently wrote, nothing marks the quality of a man more than the manner of his passing. Beyond all his personal and professional qualities, I will also remember Robert for his grace and courage in the last months of his life.

In the name of the General Editor and members of the Board of this Journal, I would like to present Frances, his children and grand-children our most sincere condolences. Be they assured that not only will Robert's memory remain forever present in our minds and our hearts but also that he will remain for his friends and colleagues and the generations to come a model of life and a source of personal and professional inspiration.

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