

Werner Melis

1935 – 2022



The Vienna International Arbitration Centre (**VIAC**) is mourning the loss of a close friend and valued colleague, Werner Melis. Werner passed away on 21 September 2022 at the age of 87 after a short illness, just two months after mourning the passing of his wife, Hertha.

Werner Melis was a humble, unassuming gentleman by nature. He will be remembered as an arbitration visionary, who shaped in particular the institutional landscape in Austria. But his influence did not stop at the Austrian borders. As counsel, arbitrator, scholar, and teacher, he had a truly international reach. For the impact of his work and his many achievements, he will long be remembered;

and for his generosity, candor and friendship, he will be greatly missed.

Werner had far-ranging academic interests and education. After acquiring his doctorate's degree in law from the University of Vienna in 1959, he went on to acquire a postgraduate degree in international studies as well as a doctorate's degree in political sciences. With three degrees under his belt, his first port of call was actually not the field of international arbitration. Instead, he launched his professional career in the banking sector with Austrian champion *Creditanstalt-Bankverein*, specializing in macroeconomic matters pertaining to Central and Eastern Europe, and particularly on European integration. In 1964, the Austrian Federal Economic Chamber, recognizing his unique expertise, persuaded him to join. This would determine the remainder of his professional career.

Werner started at the department for European Integration in the Foreign Trade Sector, and gradually climbed to the top, to become Head of the Department. It was in this position where he first rubbed shoulders with the field of international arbitration, notably the ICC. Appointed as the executive director of ICC Austria in 1971, he began to make his mark in international arbitration.

It was the time of the Cold War and this was catalyzing Austria's role as a neutral forum for disputes, given its natural location as a doorway between East and West. Werner early on recognized this potential and spearheaded the necessary legislative changes to open the way for an international dispute resolution centre at the Austrian Federal Economic Chamber – and the VIAC was born. From 1975, he served as its Secretary General and for 25 years thereafter, its President. When Werner stepped down as President, he maintained his close ties to VIAC as its first Honorary President. He did so until the end of his days; diligently attended Board meetings up until the summer of this year – no pandemic would rob him of the opportunity to stay abreast of the ongoings of his beloved institution. It is thanks to his tireless efforts that VIAC has developed into the premier international arbitration institution in Central and Eastern Europe and has gained the trust of the international

arbitration community. For this, the Austrian arbitration community must, and no doubt will, be forever grateful.

Werner's institutional impact did not stop at VIAC. He also had influential roles in other arbitral institutions, serving as the Vice-President of the LCIA for 17 years as well as Secretary General of ICCA for 8 years, where he then became an Honorary Vice-President, serving among the elite of the arbitration circle until his death. Also worth mentioning is his role as an Austrian delegate at UNCITRAL, negotiating none other than the UNCITRAL Arbitration and Conciliation Rules, the UNCITRAL Model Law as well as the Vienna Sales Convention.

In parallel he pursued a brilliant career as counsel and arbitrator and developed an outstanding reputation as a leading arbitration practitioner. He acted as arbitrator in more than 160 proceedings, resolving sensitive conflicts involving eastern and western parties during the Cold War, and became quickly known as one of the best and most in-demand arbitrators of his time. As of 1995, Werner practiced as Of Counsel at *Baier Rechtsanwälte* developing the firm's arbitration practice.

Aside from his many reputable scholarly contributions on civil procedure, international arbitration and international trade law, Werner Melis placed great importance on passing on his knowledge and excitement for international arbitration to the younger generation. This made him a popular lecturer at the University of Vienna, where he taught international arbitration focusing on the practical application of the law.

Always open-minded and liberal in his views, he was a generous and supportive spirit who significantly influenced the development of the Vis Moot in Vienna, which has evolved into one of the highlights of the global arbitration calendar. Already back in 1993, when he was Secretary General of VIAC, he kindly offered VIAC's facilities to conduct some of the very first Vis Moot pleadings. At the time, he confessed to not entirely understand what a Moot entailed – he was only familiar with the real deal (!) - but later admitted that he liked the enthusiasm of the Vis Moot's founder, Prof Eric Bergsten, and the idea of supporting students in the field of international commercial law. Going forward, he continued to dedicate an enormous amount of his time to support the further development of the Vis Moot. It was partly due to his influence that the Vis Moot has developed into a true, stand-alone, renowned arbitration event. In honour of his time and dedication, the Vis Moot Organising Committee introduced The Werner Melis Award in 1997 as a separate award for the Best Memorandum for Respondent. Every year, without fail and 2022 included, Werner looked forward to presenting "his" award at the Vis Moot to the next generation.

Upon review of this impressive lifetime's dedication to the development and promotion of international arbitration, one wonders whether Werner could possibly have had time for much else. Alas Werner was an avid tennis player, golfer and hiker. Alongside his passion for the arts and the finer things in life, he cultivated his very own vineyard and was known to enjoy its produce over good conversation with his friends and colleagues. It is these inspirational exchanges with Werner that will live on in the memory of his friends.

Werner and his wife Hertha, a legal practitioner who shared Werner's love of the law, had no children. In a sense, VIAC was his child that he fostered and nourished from its beginnings and that he continued to assiduously support until his passing. Werner's legacy will live on at VIAC as it will in many other areas of international arbitration. We are grateful to have known this inspirational visionary, a gentle and sincere man, for his long and inspiring life. Rest in peace, Werner.