

## IN MEMORIAM

### THOMAS WÄLDE—by Roger Alford\*

For any of you that are in the International Arbitration Community, the news of Thomas Wälde's untimely death on October 11, 2008, was truly a shock. It was a tragic accident that occurred at his retreat in the south of France. Generally, when the news came through the listservs and the emails and the like, there was just a sense of genuine shock. And hundreds of emails filled the inbox of every member who subscribed to Thomas Wälde's arbitration listserv, known as "OGEMID." Rather than just offer my own personal reflections, because there were so many interesting, and thoughtful, and reflective comments in those emails, I wanted to pick out a few of those comments and read them to you to get a sense of the degree of respect and honor that Wälde generated throughout the world.

So, I'll just read a few of them. From Jacques Werner:

"Fatal accidents are quite often caused by stupid reasons, and the present one is no exception. How to accept that a broken ladder put an end to such a rich and useful life? It will take time for all of us to make sense of Thomas' passing."

From Judge Rosalyn Higgins:

"He was a giant in his field. As an academic, a practitioner, an administrator, he was exceptional. This remarkable man with his unique and strong personality was also very tender with persons facing problems. He was an extraordinary person who did so much for his chosen field of endeavor. I also know how much trouble he took over the interest of his students. This is a terribly sad day."

From Nigel Blackaby:

"We lose a truly unique human being who blew away the cobwebs and the preconceptions. Nothing was accepted as a given; every accepted truth was to be challenged. Thomas helped us to understand what we do in the context far wider than we ever imagined. Our minds were broadened by him in the debates he opened to everyone, irrespective of age, status, or origin ... May his spirit live on and continue to break down barriers."

And there are many, many others I could have read; those are just a few short selections.

So, for those of you that don't know Thomas Wälde, he was truly a cosmopolitan—an exceptional—figure in the world of international arbitration. He studied in Heidelberg, Berlin, Frankfurt, Lausanne, and Harvard; he was fluent in German, French, English, Spanish, and proficient in other languages as well. Early in his career, he worked at the United Nations in international investment policy with respect to energy and petroleum, and then in 1991 began his career at the University of Dundee where he remained for the rest of his life. And it was at Dundee that he really poured his energy into his passion, which was dispute resolution in the context of energy, petroleum, and mineral law. An extraordinarily active person acting as council, expert, arbitrator, mediator—he founded centers, journals, and probably what he is best known for, the Oil, Gas, Energy Law Intelligence service. He was actively involved in numerous projects at the time of his death, too many to even name.

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David Caron said to me earlier today that in trying to carry on the work of Thomas Wälde, his projects have been delegated to eight separate individuals—that's how active Thomas Wälde was. He will be missed by everyone in the international arbitration community.

Let me just close by saying that the last email sent by Thomas Wälde to the arbitration community was dated October 8, 2008, three days before his death. And he wrote at the beginning of that email, "I'm in my French retreat, reading PhD theses." One of the theses had raised an interesting question in his mind, regarding the distinction between whether domestic law was a factual or legal question under international law, and then he invited commentary in a very excited fashion raising the question "does this issue even really matter or is it a red herring built up only in theory?" So, for an academic, that's not a bad way to go: in your French retreat, reading PhD theses, spending your last days, doing what you love in a place that you love, mentoring students, challenging assumptions, asking questions, and communicating your ideas.