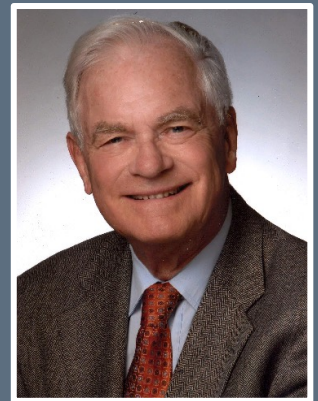




Prof. Dr. Eric E. Bergsten

Founder and Honorary President

1931 – 2023



The Vis Moot community is mourning the loss of its founder, former director and president, honorary president and valuable friend, Professor Dr. Eric E. Bergsten. Eric passed away on 1 July 2023 at the age of 91.

Eric has dedicated his career and life to promoting commercial law and arbitration with a vision of peaceful dispute resolution. By establishing the Vis Moot, Eric has helped to give students all over the world access to legal education and advocacy training. Eric thereby influenced, like few other people, the lives and careers of countless students, arbitration practitioners and scholars.

Born on 17 July 1931 in Evanston, Illinois, in the United States, he was the only child of a Swedish immigrant father and an American mother who had her family roots in Finland. Coming from a modest family, he learned from his parents the importance and the value of education that he pursued throughout his entire life.

After his studies at Northwestern University, Eric went to law school at the University of Michigan where he obtained his law degree (J.D.) in 1956. He served three years as a JAG officer (Judge Advocate General's Corps) in the Pentagon before he continued his studies in French law at the University of Chicago and in Aix-en-Provence. Eric's doctoral thesis was on the law of treaties in the French courts. Upon his return from France, Eric began teaching commercial law and international law at the University of Iowa, where he remained for thirteen years.

In 1975 Eric joined the staff of UNCITRAL in New York as a Senior Legal Officer, where he was primarily responsible for what became the UN Convention on Contracts for the International Sale of Goods, the CISG (1980). In 1979, the headquarter of UNCITRAL was transferred to Vienna, Austria, where Eric remained for the next twelve years until his retirement in 1991. The last six of those years Eric was the Secretary of UNCITRAL. After his retirement from UNCITRAL, Eric spent a year as visiting professor at Fordham University and then joined Pace University School of Law in 1992. At Pace Law School, where he stayed for seven years before returning to Vienna, Eric started what he described as "*the best part of his professional career*". This is when the story of the Vis Moot began.



Together with the founder of the then newly established Institute of International Commercial Law at Pace University - Professor Al Kritzer, and the founding director of the Institute – Professor Willem C. Vis, Eric elaborated on the idea of the Vis Moot and developed the structure and format of the competition that has now been used for more than 30 years.

Of the three founders, it was Eric who was to actually go on and run the operations of the Vis Moot. Vienna was selected as the place to hold the Vis Moot. This was a natural choice for Eric, not only because UNCITRAL was located in Vienna where he had spent many years himself. More importantly, returning to Vienna also provided better opportunities to spend time with his Viennese wife Brigitta.

The first Moot in Vienna was held in 1993 with 11 teams. After the first Vis Moot ended, Eric happily said to his wife Brigitta “At least it was not a failure.” Eric never pursued the idea of the Vis Moot as a vehicle of achieving personal success or recognition. He was simply inspired by the idea of gathering students from all over the world to promote legal education. He did not like the fact that the Moot was a competition, but recognised that a competition was needed to engage and encourage universities to send students and invest time and effort.

Eric was a visionary who was able to spread his enthusiasm about the Vis Moot and its ideals amongst everyone he met. The constant and organic growth of the Vis Moot therefore came as no surprise to many people. Eric easily connected with people and unified the arbitral institutions as supporters and sponsors of the Vis Moot. He succeeded in convincing numerous coaches and professors to support the Vis Moot as an important educational program, and gathered renowned arbitration practitioners and scholars to return every year to the oral hearings in Vienna.

Each year more teams and arbitrators attended the Vis Moot. Eric deliberately decided not to limit team participation but rather adjusted the organization to accommodate the number of participants. Eric disliked the idea of excluding university teams from the Vis Moot. He instantly encouraged the idea of pre-moots and a sister moot now known as the Vis East. Eric allowed many others to benefit from his own achievements as long as the idea seemed helpful to students and was not created for the purpose of a commercial undertaking.

In the first 15 years of the Vis Moot, Eric did virtually everything himself; and consequently probably had less spare time after his retirement than during his active career at UNCITRAL!

Eric had the vision to establish a permanent Moot operation in Vienna, independent from him as a person. In 2007 the Vis Moot Association was founded as a non-profit organization under Austrian law as the legal entity that runs the Vis Moot.



Eric became the president of the Association and over time handed the operations over to three directors Patrizia Netal, Stefan Kröll and Christopher Kee. Facilitating a very smooth transition, Eric ensured his considerable knowledge about how the Moot should be run was always available to his successors.

It was only in 2022 that he resigned as president and became the Association's Honorary President.

With now 380 university teams from nearly 90 countries the Vis Moot has developed into something that is much more than a student competition. Everyone who has participated in the Moot knows what the Vis Moot spirit means. It was Eric who embodied and lived the Vis Moot Spirit through his own personality, vision and enthusiasm. He succeeded with his vision of not only promoting a more uniform approach of international commercial law but also to unite students and practitioners from all over the world. He helped to connect people; he enabled careers; and he created the opportunities for so many that would not have happened without the Moot. It is his inspirational contribution to the arbitration community that will live on in the memory of countless friends and colleagues.

Eric and Brigitta, a teacher, shared not only the love for education and knowledge but also for music and arts. He had three children and was a loving stepfather of Brigitta's two daughters, conveying his passion for education and arbitration. The Vis Moot also affected the lives of his family members in the most positive ways.

Rest in peace, Eric. We will deeply miss you.

Vienna, July 2023