

HCCH Asia Pacific Week Hong Kong 2023
Access to Justice and Sustainable Development:
The Impact of the HCCH in an Inter-Connected World

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**Session 1 – The HCCH: Benefits of Membership &
Key Conventions – Regional Perspective**

Dr. James Ding
Law Officer (International Law),
Department of Justice, HKSARG/
Chair, APEC Economic Committee

Dr. Bernasconi, Your Excellency, Distinguished Guests, Ladies and Gentlemen,

1. May I first express my gratitude to HCCH for putting together this Asia Pacific Week and for inviting me to speak at this important session.
2. This year's Asia Pacific Week is timely as it offers us an opportune occasion to come together to celebrate the 130th Anniversary of HCCH, which has since the late 19th Century dedicated itself to the international development of private international law.
3. While a lot have changed since 1893 and HCCH has been tackling many new challenges nowadays, there is one area that HCCH has been working on and will continue to work on, that is, technical assistance or capacity-building for Contracting States and potential Contracting States. In fact, capacity-building initiatives by and among international organizations play a key role in equipping government officials, practitioners and other stakeholders to navigate the international legal landscapes.
4. These capacity-building initiatives foster dialogues across sectors at different levels, ensuring uniform interpretation of international instruments and their implementation by reinforcing local legal

infrastructure and building up a pool of experts and professionals, which facilitate and contribute to access to justice and sustainable development of international law.

5. As the Chair of the APEC Economic Committee, I would like to thank HCCH for the capacity-building efforts offered to the APEC members, especially since the establishment of HCCH Regional Office for Asia and Pacific (ROAP) in Hong Kong SAR, in 2012. Over the years, a number of APEC workshops have been organized to enhance APEC member economies' understanding of Hague instruments, and build the capacity of APEC member economies to improve their current regimes by making good use of HCCH instruments.
6. These workshops cover areas on ease of doing business (EoDB) through promotion of HCCH instruments such as the Apostille Convention and the Choice of Court Convention, as well as other capacity-building initiatives relating to supply chain and dispute resolution. The strong collaboration between HCCH and APEC has reached a milestone in 2017 when HCCH has become an accredited guest of the Economic Committee and is able to attend meetings and other work of the Economic Committee since then.
7. All these efforts have helped to promote greater awareness of the value and importance of HCCH instruments for economic development in the APEC region. It is most encouraging to note that the APEC Ministers in 2014 “welcome[d] the joint efforts of the Economic Committee and the Asia Pacific Regional Office of the Hague Conference on Private International Law ... to build awareness of private international law instruments to facilitate cross-border trade and investment, enhance ease of doing business, and foster effective enforcement of contracts and efficient settlement of business disputes.”¹
8. Stressing “the importance of work to develop model legal instruments and commend[ing] APEC work in this area in

¹ https://www.apec.org/meeting-papers/annual-ministerial-meetings/2014/2014_amm , paragraph 48.

collaboration with the Hague Conference on Private International Law”, the Ministers in the 2015 APEC Structural Reform Ministerial Statement further “agree[d] that the development of international legal instruments and their adoption will create a more conducive climate for cross-border trade and investment, thus facilitating economic growth. Use of these instruments provides greater legal certainty in cross border transactions, harmonization of finance and dispute resolution systems, closer economic and legal integration among cooperating economies, and the simplification of procedures involved in international transactions.”²

9. Through its constructive engagement with APEC, as testified by the various statements by the APEC Ministers and Economic Leaders, HCCH has gained a strong foothold and effectively raised its visibility in the Asia Pacific region. We are pleased to learn that over the past few years, there has been a steady increase in the number of HCCH Members and Contracting Parties from Asia Pacific.
10. In particular, we are excited to note the latest development in relation to the Apostille Convention in the Asia Pacific. The Apostille Convention is one of the instruments featured in several APEC workshops in collaboration with HCCH, and these workshops were so successful that the 2013 APEC Joint Ministerial Statement acknowledged that “APEC-wide adoption of the Hague Apostille Convention would facilitate APEC’s EoDB targets in the area of trading across borders and advance institutional connectivity among APEC authorities” and hence “encouraged wider participation in the Hague Apostille Convention”³.
11. Since then, many APEC members have become parties to the Apostille Convention. Namely, Chile acceded to the Convention

² http://mddb.apec.org/Documents/2015/SOM/CSOM/15_csom_020att1.pdf, p.5.

³ https://www.apec.org/meeting-papers/annual-ministerial-meetings/2013/2013_amm#:~:text=In%20promoting%20stronger%20and%20deeper,Trade%20Area%20of%20the%20Asia, paragraph 48.

in 2015. The Philippines acceded to the Convention in 2018. Singapore and Indonesia acceded to the Convention in 2021 (for Indonesia, it is also the first HCCH instrument that it has joined). China and Canada just acceded to the Convention this year, which will soon enter into force for them. ROAP continues to engage several APEC members concerning their possible accessions to the Apostille Convention.

12. The above example on the Apostille Convention clearly illustrates the importance of capacity building initiatives to facilitate the process of considering and implementing the relevant HCCH instruments for strengthening economic legal infrastructure and enhancing ease of doing business, some of the core areas of structural reforms promoted by Economic Committee. Therefore, it is of no surprise that the APEC Economic Leaders in their 2014 Declaration recognized “the role of internationally recognized private international law instruments such as the Hague Conventions” and “encourage[d] wider use of these instruments which would contribute to APEC’s regional integration, connectivity and structural reform agenda.”⁴ Throughout this Asia Pacific Week, we will hear more from the distinguished speakers about the many benefits brought by various HCCH instruments to our inter-connected world.
13. Lastly, I would like to mention the recently launched APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes which is designed to help businesses, especially micro, small and medium enterprises, to resolve cross-border commercial disputes. We thank ROAP’s active contribution to the relevant work, including its participation in various APEC meetings and activities from time to time. APEC will continue to benefit from the participation of HCCH in our meetings and capacity building work.
14. On this note, I wish to thank HCCH again for its invaluable contribution through developing various HCCH instruments which

⁴ https://www.apec.org/Meeting-Papers/Leaders-Declarations/2014/2014_aelm, paragraph 32.

can bridge different legal systems in the Asia Pacific regions and also for the outstanding capacity building work in this region. I must also congratulate HCCH again for coming to Hong Kong to commence its global celebration of the 130th anniversary. Thank you.