



HCCH

Connecter Protéger Coopérer Depuis 1893
Connecting Protecting Cooperating Since 1893

The Hague Conference on Private International Law (HCCH)

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Why “HCCH”?



Hague **C**onference on Private International Law
Conférence de La **H**aye de droit international privé

What is the HCCH?



- An **intergovernmental organisation** with a **legislative function** – origin goes back to **1893**
- Works toward “**progressive unification of the rules of private international law**”
(Art. 1, Statute)
- Develops and adopts **Hague Conventions and Protocols** (currently **39 + 1 soft law** instrument), dealing with:
 - (1) *Int’l Civil Procedure & Legal Co-operation*
 - (2) *Int’l Family Law & Child Protection*
 - (3) *Int’l Commercial Law & Finance Law*
- **Practical outcomes**, with **direct benefits**

Key Questions



JURISDICTION

The authorities of which State are competent to decide on questions arising from a cross-border situation?

APPLICABLE LAW

The law of which State applies to a cross-border situation?

RECOGNITION & ENFORCEMENT

How can judgments or decisions of a State be recognised or enforced abroad?

CO-OPERATION

How can authorities better co-operate to improve efficiency and overcome the obstacles arising in cross-border situations?

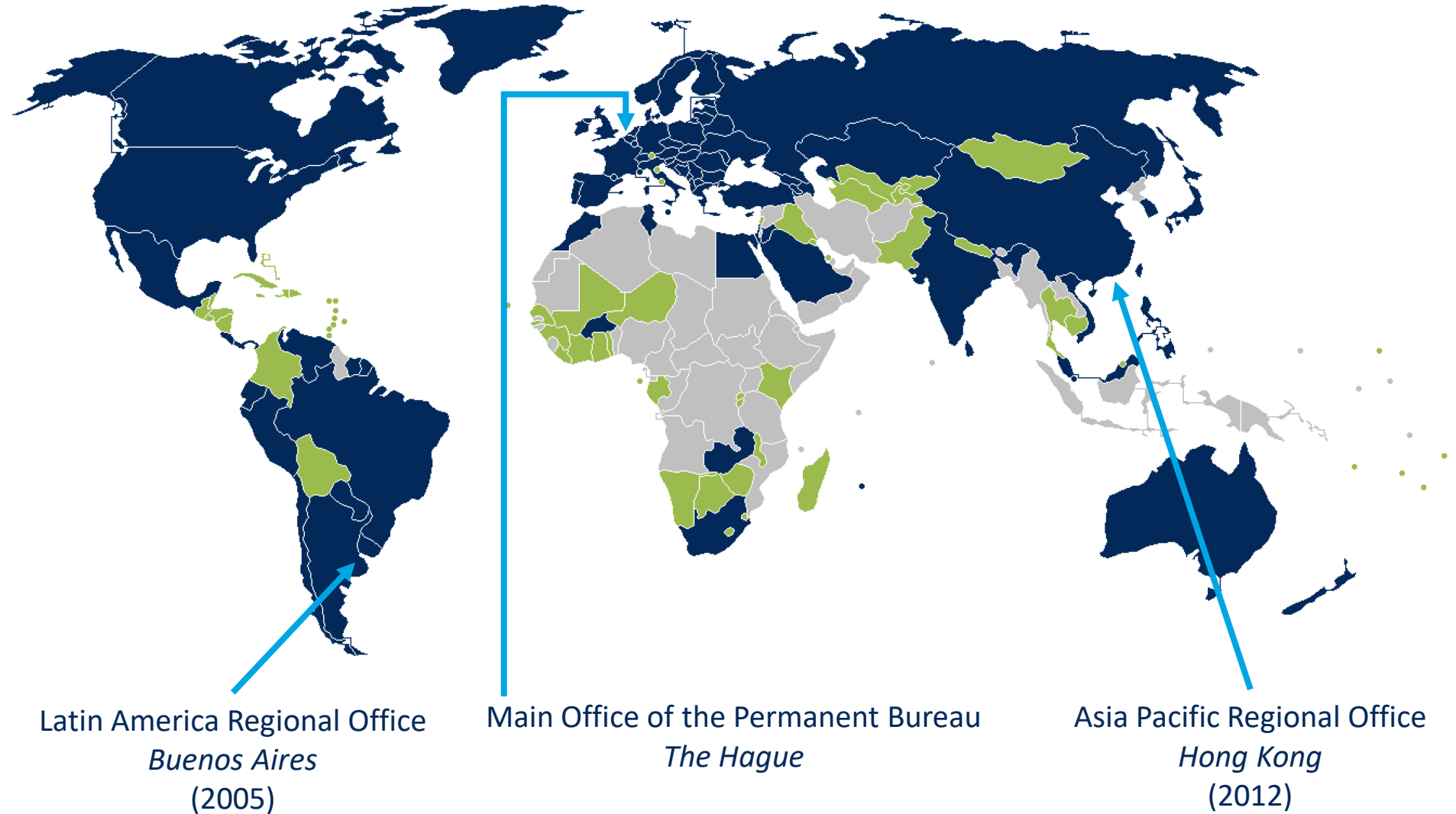
*NB: The HCCH does not deal with substantive law – instead **building bridges** across legal systems, (incl. civil law, common law, Sharia law) respecting **legal diversity***

HCCH Members

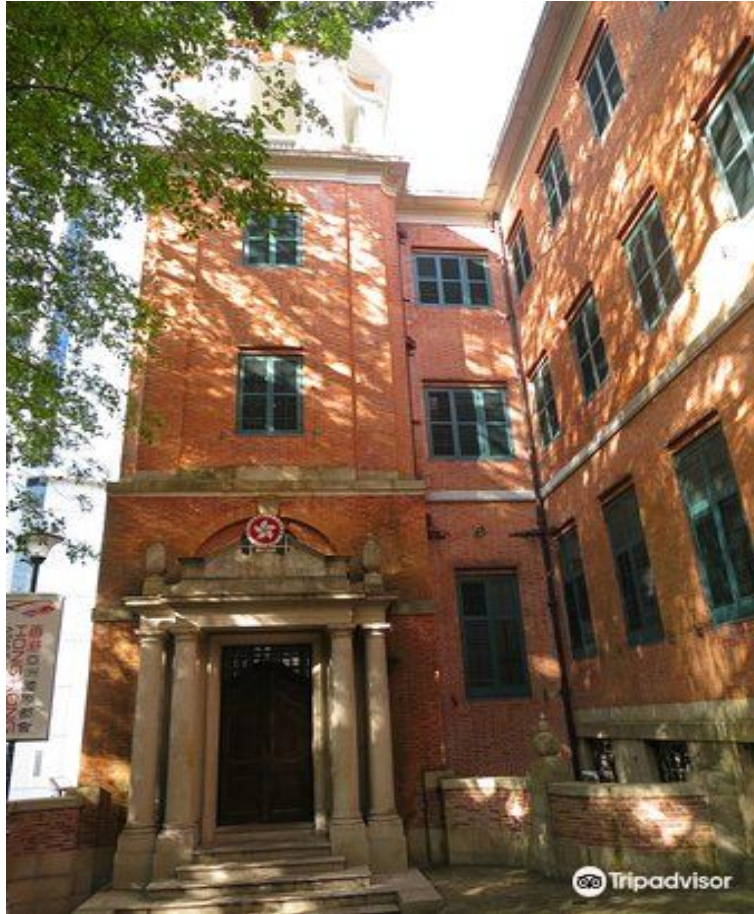


- 87 HCCH Members (Namibia, Jan 2021; Thailand, expected March 2021)
- 40 new members since 2000 (45% of Membership), 14 from Asia pacific
- 154 States “Connected” with HCCH (68 non-HCCH Members that is a Contracting Party or Signatory to at least One Hague Convention or in the process of becoming a Member)

Universal Mandate – Regional Presence



Regional Office for Asia and the Pacific, HCCH



- Opened in 2012 with the mission to act as a bridge to enhance communications and understanding between the Permanent Bureau of the HCCH in the Hague and the States in the Asia-Pacific region.
 - Promote Hague Conventions and build networks within the region
 - Facilitate good practice and consistent implementation of the conventions, etc.

An Evolving Landscape: *The main activities of the HCCH*



NORMATIVE WORK

Research

(identifying other legal needs within mandate)

Proposals

(of new instruments)

Experts Discussion & Negotiation; Diplomatic Session

(drafting process leading to new instruments: Conventions, Protocols, soft law)

Promotion

(of HCCH / its instruments)

Monitoring - Review

(Special Commissions on practical operation)

Publications

(Guides to Good Practice, Handbooks, etc.)

Post-Convention Assistance

*(implementation & practical operation;
priority given to Members)*

POST- CONVENTION WORK

The Three Pillars



Protection of children, international matrimonial and familial relations

1980 Child Abduction Convention
1993 Intercountry Adoption Convention
1996 Child Protection Convention
2000 Protection of Adults Convention
2007 Maintenance Convention (and its Protocol)

Judicial and administrative co-operation and litigation

1961 Form of Wills
1961 Apostille Convention
1965 Service Convention
1970 Evidence Convention
1980 Access to Justice Convention
2005 Choice of Court Convention

Commercial and financial law

1985 Trusts Convention
2006 Securities Convention
2015 Choice of Law Principles

Resulting Benefits of Hague Conventions



Facilitating international trade, commerce and foreign direct investment

1

For example, the *Apostille, Service of Process, Taking of Evidence, Access to Justice, Choice of Court, Judgments* and *Securities* Conventions, as well as the *Hague Principles* provide *legal certainty* and *predictability* and establish *uniform global standards*, leading to a climate more conducive to cross-border trade and investment; some of these Conventions also greatly enhance administrative and judicial *co-operation between States*

Giving effect to human rights

2

For example, the *Child Abduction, Child Protection, Adoption*, and *Child Support* (alimony) Conventions *give effect to fundamental principles* expounded in the 1989 *UN Convention on the Rights of the Child* (see also Hague *Adults* Convention which *furtheres some of the goals* of the 2006 *UN Convention on the Rights of Persons with Disabilities*)

The HCCH in action



At the Permanent Bureau

- Budget of the HCCH is € 4.1 million (approx. US\$ 4.8 million)
- *Fewer than 30 members staff*
- Smaller context for *Experts' & Working Groups, or Standing Committee* (up to 40 participants)



At the Hague Academy Building (Peace Palace)

- Larger Context for *plenary-style* meetings:
 - *Special Commissions*
 - *Council on General Affairs*
 - *Council of Diplomatic Representatives*
 - *Diplomatic sessions*
- Up to 300 participants

International co-operation and consensus across all HCCH Meetings!



www.hcch.net