

## **STRATEGIC FRAMEWORK FOR POST-CONVENTION ASSISTANCE<sup>1</sup>**

*drawn up by the Technical Assistance Working Group*

### **I. Overall mission<sup>2</sup>**

One of the roles of the Hague Conference on Private International Law (HCCH) is to provide support in the form of post-Convention assistance for the benefit of Member States and Contracting States to HCCH Conventions (or those considering Membership and / or ratification of and accession to HCCH Conventions), their government officials, judiciary and practitioners. Post-Convention assistance from the HCCH is typically provided through the Permanent Bureau, including its regional offices, but may also involve other entities, including officials from other States or organisations and independent experts.

The Strategic Framework for Post-Convention Assistance ("Strategic Framework") sets out:

- 1) the strategic objectives for providing such assistance;
- 2) the criteria to determine the selection of requests;
- 3) the factors to determine the level of priority of selected requests;
- 4) the conditions related to the availability of resources for requests that have been given priority;
- 5) the indicators to measure quality and effectiveness; and
- 6) the accountability and reporting requirements.

### **II. Terms and scope**

**"Post-Convention assistance"** means assistance provided to support effective implementation and operation of any HCCH Convention or other HCCH instrument through legal and technical advice and training to the requesting State.

Post-Convention assistance does not include general activities and services such as Special Commissions, guides to good practice and practical handbooks, the publication of documents and maintaining databases, promotional activities or the provision of day-to-day advice and assistance to States and other stakeholders.

### **III. Strategic objectives**

#### ***General objectives***

The general objectives for providing post-Convention assistance are to achieve broad participation in and the effective and consistent implementation and operation of HCCH Conventions.

#### ***Specific objectives***

Specific objectives for post-Convention assistance may include, but are not limited to:

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<sup>1</sup> This Strategic Framework was developed by the Technical Assistance Working Group, and subsequently approved by the Member States during the meeting of the Council on General Affairs and Policy of March 2015 (Preliminary Document No 11).

<sup>2</sup> In this Framework, references to "HCCH Convention" or "HCCH Conventions" include, where applicable, other HCCH instruments. Unless expressly stated otherwise, the singular and plural of the terms "Convention", "instrument" and "State" are used interchangeably.

- i) The recipient State gains a better understanding of the object and practical operation of the relevant HCCH Convention and, where relevant, improves existing domestic laws and practice;
- ii) Officials and other experts from the recipient State share and / or disseminate relevant information with members of the judiciary, Competent or Central Authorities, practitioners and other stakeholders who are responsible for ensuring sound implementation and operation of the HCCH Convention;
- iii) Where required, the recipient State prepares and / or enacts implementing legislation in accordance with the objects, principles and provisions of the relevant HCCH Conventions;
- iv) The recipient State establishes a well-functioning Central Authority and / or Competent Authority in accordance with the relevant HCCH Convention; and
- v) Any other clear and measurable objectives established jointly by the Permanent Bureau and the recipient State in furtherance of the general objectives of post-Convention assistance.

#### **IV. Selection criteria**

Requests for post-Convention assistance must meet the following selection criteria:

- i) An official request has been received from the State concerned;
- ii) The requesting State has expressed a commitment to fully co-operate with the Permanent Bureau;
- iii) The requested assistance is likely to achieve the intended objectives in light of relevant social, political and economic factors;
- iv) The requested assistance is reasonably expected to produce measurable benefits;
- v) The requested assistance falls within the specific area of expertise of the Permanent Bureau;
- vi) The Permanent Bureau is the only or best placed entity to provide or co-ordinate the requested assistance;
- vii) Where relevant, conditions in the requesting State are conducive to the effective provision of post-Convention assistance; and
- viii) Where relevant, the requesting State expresses a commitment to:
  - a. actively co-operate with the Permanent Bureau or other relevant experts in the establishment and the realisation of an action plan for the provision of post-Convention assistance; and
  - b. move forward in achieving set milestones within a reasonable timeframe established in consultation with the Permanent Bureau.

#### **V. Prioritisation**

Prioritisation of selected requests is based on several factors listed below that determine the order in which post-Convention assistance will be provided to eligible States:

- i) The requesting State is a Member of the HCCH or is actively committed to pursuing Membership;
- ii) The requesting State is in the process of preparing to join or is already a Contracting State to the relevant HCCH Convention;
- iii) The urgency of the request;
- iv) The offer of financial and / or in-kind support from Members or Contracting States;
- v) The requesting State is already receiving or is likely to receive additional relevant support or assistance from other governmental, non-governmental, or intergovernmental entities;
- vi) The request reflects the diversity of regions in which the HCCH operates;

- vii) The lasting and substantive impact that providing post-Convention assistance is expected to have on the recipient State and the region, including the possibility that such assistance may enable the recipients to later provide training to other States in need of assistance;
- viii) The post-Convention assistance will be provided in a cost-effective and efficient way; and
- ix) The request pertains to a widely ratified or recently adopted HCCH Convention for which broad participation is reasonably expected.

## **VI. Financial and other resources**

Adequate, consistent and predictable financial and other resources are essential for the provision of post-Convention assistance.

The availability of both financial and other resources will determine whether and when a request will go forward. In particular, post-Convention assistance will only be provided where the Permanent Bureau has the capacity and resources to respond to a request taking into account the resources required by the HCCH's work programme and existing or upcoming commitments.

## **VII. Quality and effectiveness**

The following indicators, where relevant, will be used to measure the effectiveness of the post-Convention assistance provided:

- i) The recipient State co-operates with the Permanent Bureau in a consistent and constructive manner;
- ii) The milestones set out in the action plan are achieved within the established timeframe unless there are exceptional circumstances;
- iii) The post-Convention assistance is provided in a cost-effective and efficient way and within the established budget; and
- iv) The strategic objectives outlined in Section III have been met.

Where the provision of post-Convention assistance is deemed ineffective, the Permanent Bureau may decide at any time to suspend or terminate it.

## **VIII. Accountability and reporting**

To ensure accountability and to assess the effectiveness of post-Convention assistance, transparent and periodic reporting on the purpose, scope, funding sources and achievements will be done in the following manner.

### **A) Reporting standards**

All reports on post-Convention assistance will include, where relevant:

- i) The States which are receiving, and the States which are contributing to the provision of, such assistance;
- ii) The funding sources;
- iii) A summary of the action plan and achievements;
- iv) An assessment of the effectiveness of the assistance provided as against the effectiveness criteria set out in Section VII;
- v) An assessment of whether the assistance is being or has been provided within the specified timeframe; and
- vi) An assessment of whether the provision of assistance was cost-effective and efficient.

B) Accountability and delivery

- i) The Council on General Affairs and Policy will provide oversight over post-Convention assistance covered by the Strategic Framework.
- ii) Reports addressing the criteria set out in Part (A) will be delivered by the Permanent Bureau to the Council annually. If the assistance is ongoing, it will be an interim report. If the assistance has concluded, the report will be a final report.
- iii) The final report must be delivered within a reasonable period following the conclusion of the assistance.
- iv) In exceptional circumstances, the Council may agree to no interim report or to a delay in the delivery of a final report.