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MISE A JOUR DU PLAN STRATEGIQUE

établie par le Bureau Permanent

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STRATEGIC PLAN UPDATE

submitted by the Permanent Bureau

*Document préliminaire No 3 de mars 2003
à l'intention de la Commission spéciale d'avril 2003
sur les affaires générales et la politique de la Conférence*

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for the attention of the Special Commission of April 2003
on General Affairs and Policy of the Conference*

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INTRODUCTION

Commission I on General Affairs and Policy of the Nineteenth Diplomatic Session, at its meeting of 22-24 April 2002, agreed that the implementation of the Strategic Plan of the Hague Conference on Private International Law, whose main directions Commission I supported, "should be reviewed on a regular basis by the organs responsible for General Affairs and Policy [...]".¹ This decision is reflected in the Final Act of the Nineteenth Session under B,2.

This note provides a summary overview of the implementation of the Strategic Directions set out in Chapter IV of the Strategic Plan from April 2002 until March 2003. As mentioned in the Strategic Plan, the purpose of the Strategic Directions of the Plan is to assist the Permanent Bureau and the Member States in continuing to adapt to the changing and growing demands on the work of the Hague Conference. They provide a framework for the way in which the Hague Conference carries out its mission and operations; the content of the Work Programme of the Conference at any particular time remains a decision for the Commission on General Affairs and Policy. The Strategic Plan supports the Organisation's budget planning for the coming years.

IMPLEMENTATION OF THE STRATEGIC DIRECTIONS

Strategic Direction 1

Increasing the global coverage of the Conference

Membership

- The Conference now consists of 62 Member States in comparison to 59 at the end of April 2002:
 - Since 1 May 2002, three States have become Members of the Conference, namely, Panama, Albania and Malaysia.
 - Costa Rica (2002) and Ukraine (1999) have been admitted but still should accept the Statute. This should take place in the near future.
 - The admission of Paraguay and Iceland has been submitted to a vote.
- The Permanent Bureau continues to work towards increasing the Membership of the Hague Conference in a considered way as provided under paragraph [405] of the Strategic Plan.
- By letter dated 19 December 2002 received at the Permanent Bureau on 30 December 2002, the President of the Council of the European Union and the Commissioner for Justice and Home Affairs of the European Commission informed the Secretary General that the European Community wishes to become a Member of the Hague Conference on Private International Law (see L.c. A No 4(03), and L.c. ON No 4(03)).

Global coverage of Hague Conventions

- There are now 117 (April 2002: 112) States in all parts of the world which are Parties to one or more Hague Conventions.

¹ See, *The Hague Conference on Private International Law Strategic Plan*, drawn up by the Permanent Bureau, April 2002, paragraph [008].

Visibility

- In January 2003, a logo was introduced, symbolising both the increasingly global coverage of the Conference, and its mission and working method: the progressive development of universally acceptable solutions, drawing from a diversity of legal traditions. The usage of this logo on the Website and all official correspondence and documentation should help increase the visibility of the Conference.

Accommodating larger meetings

- Discussions with the Carnegie Foundation in order to plan the expansion and modernisation of the Academy Building – where the Conference holds its larger meetings – have continued during the course of the year. Construction to expand the Academy Building is due to start during the second half of 2004.
- Efforts are made to ensure that a large number of non-Member States will be involved in the preparation of a new comprehensive global instrument on the international recovery of child support and other forms of maintenance (the Maintenance Project).

Strategic Direction 2

Being selective in relation to the projects undertaken by the Conference and consolidating post-Convention services

The Conference will continue to focus equally on its two core activities – the development and review of Conventions, and the provision of unique post-Conventions services.

Development of Conventions

- On 13 December 2002, the Conference adopted the *Convention on the Law Applicable to certain rights in respect of Securities held with an Intermediary*, now open for signature by all States.
- From 5 to 16 May 2003, the first Special Commission meeting will convene for the Maintenance Project.
- The Permanent Bureau, assisted by an informal working group, is facilitating an informal working process with a view to preparing a text on jurisdiction and recognition and enforcement of judgments in civil and commercial matters (the Judgments Project) to be submitted to a Special Commission followed by a Diplomatic Conference to be held, if possible at the end of 2003. Two meetings have been held (from 22-25 October 2002 and from 6-9 January 2003) and a third meeting will take place from 25-28 March 2003.

Post-Convention services²

- The publication of a new volume of the *Proceedings* (“*Actes et documents*”) on the *Hague Convention of 13 January 2000 on the International Protection of Adults* is being finalised and should be ready by the beginning of this summer.
- A new edition of the Collection of Hague Conventions, including the 2000 *Convention on the International Protection of Adults* and the newly adopted *Convention on the Law Applicable to Certain Rights in respect of Securities held with an Intermediary* will be released in the coming weeks.

² Please refer to Prel. Doc. No 4 for further details.

- In October 2002, the Conference adopted Part I and Part II of the Guide to Good Practice under the 1980 Convention, soon to be published. Part I deals with Central Authority Practices and Part II with Implementation Measures. Work to prepare Chapters on: (1) Preventive Measures; (2) Access/Contact; and, (3) the Enforcement of return orders, is underway.
- The International Child Abduction Database (INCADAT) Website has been modernised in order to enhance user friendliness and to facilitate bilingual usage.
- The Permanent Bureau is testing, through a pilot project involving 16 Central Authorities under the 1980 Convention, the iChild software (an electronic case management system donated by WorldReach (Canada) in relation to international child abduction cases) with a view to help the gathering of statistics for the purpose of the International Child Abduction Statistical Database (INCASTAT).
- The Permanent Bureau published Volume IV and V of the Judges Newsletter and continues to be involved in the organisation of judicial seminars.
- The Permanent Bureau continues its work on International Direct Judicial Communications under the 1980 Convention.
- The Permanent Bureau is working on revised versions of the Practical Handbooks on the Service and on the Evidence Conventions – the Service Handbook is well advanced and the Evidence Handbook is underway.

Legal Education

- The Permanent Bureau has drawn up a Proposal for a Hague International Training Institute (see Prel. Doc. No 6 for the Commission on General Affairs and Policy).

In consolidating its post-Conventions services, the Conference will continue to develop partnerships with States, governmental and non-governmental organisations, academic and research institutes, and will continue to concentrate its efforts on activities for which it brings added value.

Partnerships with States, governmental and non-governmental organisations

- Through the Supplementary Budget, the Conference received support by way of contributions or donations from the following States: Australia, Austria, Canada, China, Finland, Germany, Luxembourg, Malta, Netherlands and the United States of America. Other States have committed contributions: Cyprus and Monaco. (See L.c. A No 5(03) and L.c. ON No 5(03) and Prel. Doc. No 7.)
- The Securities' Project Regional Discussion Workshops were held through the support, by way of contributions or donations, from the following States: Australia, Canada, Denmark and Japan, and the following Organisations: *Bundesverband deutscher Banken*, *Groupe suisse de services financiers*, European Investment Bank, European Central Bank.
- Secondments of State officials were arranged with Australia (16 months), Germany (6 months) and Monaco (2 secondments of 6 months).
- One *stagiaire* is funded by *l'École du Barreau du Québec* and the Canadian Federal Government (6 months).

Partnerships with academic and research institutes

- In 2002, New York University provided two summer students.
- In 2002, the Georgetown Internship Program supported one summer student.

- During the last 12 months different research projects have been undertaken and/or completed, in particular, Cardiff Law School (United Kingdom) and the *Faculté de droit, Université Jean Moulin, Lyon (France)*.

Strategic Direction 3

Enhancing working methods and reducing costs by providing flexibility in the development process

New working methods

- Nine workshops were held during the months of June and July 2002 in order to assist as effectively as possible in the preparation of the Diplomatic Session on the draft Hague Convention on the Law Applicable to Indirectly Held Securities. Workshops took place in: Sydney, Tokyo, London, Copenhagen, Frankfurt, Rome, Paris, Toronto and New York.
- Since October 2002, the Secretariat has convened an informal working group to facilitate and conduct a transparent and flexible working process with a view to preparing a text for the Judgments Project. A list serve has been created to promote exchanges of views among the participants in between the meetings.

Strategic Direction 4

Increasing communication and co-operation with other international organisations

Increasing communication

- The Conference is modernising its Website - which is receiving more than 15,000 hits a day - with a view to facilitating bilingual usage, and making all the information accessible through a database in either html, text, pdf or Word formats. This project should be completed before the end of 2003.

During the last twelve month, the Permanent Bureau participated in the work of the following organisations:

International and transnational governmental organisations

- European Union
- International Institute for the Unification of Private Law (Unidroit)
- United Nations Children's Fund (UNICEF)
- United Nations Commission on International Trade Law (Uncitral)
- United Nations Committee on the Rights of the Child (UNCRC)
- World Bank and International Monetary Fund (IMF)

International non-governmental organisations

- International Bar Association (IBA)
- International Centre for Missing and Exploited Children (ICMEC)
- International Chamber of Commerce (ICC)
- International Law Association (ILA)
- International Social Service (ISS)
- International Society of Family Law (ISFL)
- *Union internationale des huissiers de justice et officiers judiciaires (UIHJ)*
- *Union internationale du Notariat latin (UINL)*

Strategic Direction 5

Enhancing the management of internal information

- Since September 2002, an outside service provider supports the computer technology at the Permanent Bureau. In January 2003, a new internal server and e-mail software were installed at the Permanent Bureau.
- During the coming 2 years, the Permanent Bureau will have to renew ten 5-year old PCs that cannot support all the new server applications.
- For the first time, the Regular Budget of the Conference will include a recurring fix item for information technology based on a three-year period.
- An outside consultant has been retained by the Permanent Bureau to complete a comprehensive study on the management of internal information and documents in order to increase corporate memory, consolidate the filing system (including electronic filing), enhance the maintenance of the library and improve the use of computer technology to that effect (see paragraph [437] of the Strategic Plan).
- During the coming year, the Permanent Bureau may have to invest in new computer technology in order to develop a database for the management of all internal information and documents.
- The Permanent Bureau has hired a part-time multilingual information manager who combines librarian, archivist, filing and electronic research skills in order to attend the bottlenecks and to eventually implement the recommendations of the above-mentioned study.

Strategic Direction 6

Matching resources and demands by making the decision process more transparent and informed and by increasing the capacity to seek additional funding

- The Special Commission on General Affairs and Policy of the Conference, which will meet from 1-3 April 2003, will have before it for its information the Draft Budget proposal for Financial Year XLIX (1 July 2003-30 June 2004) (see Strategic Plan, paragraph [427]).
- In the light of the future work to be undertaken in relation to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*, the Permanent Bureau prepared for the attention of the Special Commission of September/October 2002 an Information Note on the Budgetary Implications on Recommendations which may be made by the Special Commission concerning the 1980 Hague Convention.
- With regard to the workload, timelines and Budget implications for 2003-2005 in relation to the projects concerning the Children's Conventions, Maintenance, Adults and Cohabitation, see Preliminary Document No 4.
- Member States were invited to make voluntary contributions to the Supplementary Budget both in July 2002 (L.c. ON No 30(02)) and in February 2003 (L.c. A No 5(03)).
- The Secretary General has sought the advice of a special consultant (PRASA HEWITT) to examine the pension situation of the Conference.