

Council on General Affairs and Policy – March 2020

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	Prel. Doc. 25 of January 2020
Title	Report on the activities of the Regional Offices for Latin America and the Caribbean and the Asia Pacific (1 January – 31 December 2019)	
Author	Permanent Bureau	
Agenda item	Item V	
Mandate(s)	n.a.	
Objective	To report on the main achievements of both Regional Offices of the Permanent Bureau for the year 2019	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	Annex A: Report of the Regional Office for Latin American and the Caribbean (ROLAC) Annex B: Report of the Regional Office for Asia and the Pacific (ROAP)	
Related documents		

I. Introduction

1. This document chronicles the major activities and achievements of both the Permanent Bureau's (PB) Regional Offices (Report). The Regional Offices' (ROs) respective Reports are testament to their successful work raising the profile and visibility of the work of the Hague Conference on Private International Law (HCCH), including through promoting the HCCH Conventions and Instruments in their respective region.
2. The work of the ROs is integral to the HCCH's efforts to become a truly global organisation and this Report demonstrates their importance to increasing the membership of the Organisation; to attracting new Parties to the HCCH Conventions; and to engaging with those States which are already Parties with a view to assessing and improving the practical operation of HCCH Conventions. Both ROs organised and took part in various conferences, seminars and workshops. They also engaged through outreach activities and comprehensive stakeholder networks in their regions. Their activities reached government ministers, members of judiciaries, senior government officials, legal practitioners, academics, other international organisations, and many other professionals. Many stakeholders have become important supporters of the work of the HCCH. They promote the utility of HCCH Conventions and Instruments and greatly assist with encouraging the governments in their respective regions to participate more actively in the HCCH's work.
3. As of 2016, the financial information of the ROs is no longer included in the Report; instead, the finances of the ROs are part of the overall audit.¹

¹ See "Voluntary Contributions Report (1 January – 31 December 2019)", Prel. Doc. No 18 of January 2020 for the attention of the CGAP of March 2020 on General Affairs and Policy of the Conference, available on the HCCH website < www.hcch.net > under "Governance" then "Council on General Affairs and Policy".

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The Regional Office for Latin American and the Caribbean (ROLAC)

(Buenos Aires, Argentina)

I. Introduction

1. In 2005, the PB established a Special Programme for Latin American States in response to requests to expand the work of the HCCH in Latin America. Due to the Special Programme's success, and the generous support of the Argentinian Government, an RO of the PB for Latin America was established. A decade later, in late 2015, the RO moved into its own offices. This move was made possible thanks to generous support from the Argentinian Government, which financed the renovations of the premises and has taken over the payments of rent. The new offices allowed the RO to expand its services in 2016, including with the support of interns doing research, follow-up and translation work.

II. The office

2. ROLAC has its offices in Buenos Aires, Argentina. It is headed by a Representative who is supported by a part-time Legal and Office Co-ordinator. Both are paid by the HCCH Budget. The Argentinian Government continues to provide funds for the office and operational costs, and the Government of the United States of America generously funds ROLAC's travel expenses. In 2019, ROLAC welcomed one visiting professor, two legal interns, thirteen translation interns and six International Relations interns.

III. Achievements: projects and activities in 2019

A. Activities in 2019

3. Provision of information: ROLAC continued to respond to regular requests from officials, judges, and academics relating to the implementation and operation of HCCH Conventions and ongoing legislative projects. This facilitates a better understanding, implementation and thus operation of HCCH Conventions in the region as well as an increased engagement of regional actors in the work of the HCCH. ROLAC also monitored within the region the practical operation of HCCH's instruments, identifying good practices and any challenges that may require addressing.

4. Support for legislative projects: ROLAC contributed regularly to the HCCH's normative projects, including the negotiation and ultimate adoption of the 2019 HCCH Judgments Convention as well as the Draft Navigation tool on recognition of voluntary agreements.

5. Strengthening the operation of the Children's Conventions: This continues to be an important part of ROLAC's work. ROLAC carried out regular consultations with Central Authorities and members of the IHNJ, facilitated communications and videoconferences among European and Latin American Central Authorities and participated both online and in person in a series of international child abduction, protection of children, international adoption and child support trainings and seminars for judges, practitioners and other actors in Argentina, Bolivia, Costa Rica, El Salvador, Guatemala, Panama, Paraguay and Uruguay. ROLAC also contributes to the inclusion of Latin American cases into INCADAT, including by identifying cases and coordinating with editors and translators.

6. With regards to the specific operation of the 1980 Child Abduction Convention, ROLAC, first, undertook a research on the voice of the child in the context of child abduction proceedings. The research sought to analyse the ways in which children may be heard and how their opinions are valued

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within international return proceedings. ROLAC produced an internal report on this topic. Second, in partnership with the Iberoamerican Network of Judicial Schools (RIAIEJ), ROLAC developed an online training on International Child Abduction for Iberoamerican Judges. The training will be delivered in February / March 2020.

7. Promoting HCCH work, instruments and Membership: in addition to regular meetings with the Diplomatic corps in Buenos Aires, ROLAC held meetings during their missions this year with relevant stakeholders in Cuba, Belize, Guatemala, Mexico, Ecuador, Bolivia, El Salvador, Paraguay, Brazil, Costa Rica, and Chile.

8. Synergies with Academia: ROLAC presented on the recognition and enforcement of voluntary agreements at a meeting organised by the Mexican Association on Private International and Comparative Law (AMEDIP). Moreover, ROLAC presented on international access to justice at the annual meeting of the Argentinean Association of International Law (AADI) and participated in the first meeting of the Advisory Commission on Private International Law, recently created within Argentina's Ministry of Foreign Affairs. In addition, ROLAC organized a conference-debate at its offices, where visiting professor Diego Fernandez Arroyo (School of Law of *Sciences Po*) addressed the topic the "Progressive denationalization of PIL" and was followed by an interesting debate with participants. The Conference was attended by more than 40 experts including renowned academics (most of them members of the newly-created MFA's Advisory Commission on Private International Law), judges, the Legal Advisor of the MFA, and representatives of the MFA, Ministry of Justice and of the Foreign Affairs Commission of the Senate.

B. Participation / presentation in International Meetings

9. ROLAC participated in the "Conference to celebrate the 130 Anniversary of the Montevideo Treaties" held in June in Montevideo, Uruguay. It was organised by the Uruguayan Institute of PIL and devoted a day to topics related to the HCCH, OAS, UNIDROIT and UNCITRAL. ROLAC was invited to present on the recognition and enforcement of voluntary agreements in family matters involving children.

10. ROLAC participated in the "Symposium on International Child Abduction", organised by the International Academy of Family Lawyers and the Mexican Bar, with the support of the Superior Tribunal of Mexico City. ROLAC was invited to present a general overview of the operation of the HCCH 1980 Child Abduction Convention in Latin America and the Caribbean.

11. ROLAC participated in the "Seminar on International Conventions and Rule of Law" held in November in Costa Rica. The Representative participated in the seminar of which the main objectives were to raise awareness of the importance of applying key human rights instruments to strengthen the Rule of Law, as well as other international instruments such as the HCCH Conventions. ROLAC presented the topic of access to justice, transnational access to justice and the work of the HCCH.

12. ROLAC participated in the "Seminar to celebrate the 30th anniversary of the CRC" held in Costa Rica on 21 and 22 November 2019. The Representative participated in this high-profile event organised by the Interamerican Court of Human Rights. ROLAC presented on the link between the CRC and the four HCCH Child Protection Conventions, which was a special opportunity to bridge the work of the HCCH with the UN Convention on the Rights of the Child and Human Rights advocates.

13. ROLAC participated in the "II Congress of the International Association of Family Law Jurists (AIJUDEFJA)", held in Santiago, Chile from 4 to 6 December 2019. ROLAC participated in the Congress and presented on the topic "[t]he objection of the child to return in the Child Abduction Convention".

IV. Challenges and future work

14. The Buenos Aires meeting on the implementation and operation of HCCH Conventions held in 2018 identified several challenges. ROLAC has been working on them in 2019 and will continue to do so in 2020. See below some of the challenges and relevant actions planned:

- Better explain the role of PIL in increasing the protection of human rights and securing access to justice worldwide, in order to gain the necessary political support to further the development and implementation of PIL.
 - Explore joint actions with the OAS Human Rights Commission and other relevant stakeholders in the field of Human Rights and Child Protection.
 - Explore the link between the implementation of the UN 2030 Agenda, in particular SDG 16.3 and HCCH instruments, in order to secure international access to justice worldwide.
- Contribute to the development of better internal coordination among government agencies and relevant stakeholders, in order to make the process of incorporation of new Conventions more efficient.
 - Continue promoting interinstitutional meetings of stakeholders with a view to the assessment and implementation of HCCH instruments.
- Lack of awareness and expertise on PIL among legal operators (public sector, judges and professionals).
 - Continue promoting synergies and strengthening cooperation with the academic sector.
 - Explore synergies with the International Association of Lawyers

15. Implementation and operation of HCCH Child Protection Conventions

- Continue assisting relevant stakeholders in the implementation of the Conventions (when possible and convenient in partnership with other Members and institutions).
- Run the online training on International Child Abduction in partnership with the Iberoamerican Network of Judicial Schools.
- Continue supporting the development of INCADAT database

16. Language barrier

- Continue translating documents with the system of professional practices developed with the Catholic University of Buenos Aires.

17. Engagement of Caribbean States

- Assist States that have just joined HCCH instruments
- Develop a joint meeting with Caribbean Court of Justice
- Explore possible joint actions with CARICOM

The Regional Office for Asia and the Pacific (ROAP)
(Hong Kong SAR, People's Republic of China)

I. Introduction

1. CGAP endorsed the establishment of the Regional Office for Asia and the Pacific (ROAP) in the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong SAR) during its meeting in April 2012. Thereafter, preparatory work for the establishment of the RO progressed from May to November 2012. The Asia Pacific Regional Office officially opened on 13 December 2012 at its rented premises in Hong Kong.

II. The Office

2. ROAP is headed (on a part-time basis) by Mr Frank Y K Poon, former Solicitor General of the Hong Kong SAR, who has served as the third Representative of ROAP since 1 August 2017. Ms Alix Ng holds the position of Office Manager at the Regional Office and oversees the Office's administrative work. Ms Judy Xiong, who has been seconded from the Ministry of Foreign Affairs of the People's Republic of China since July 2017, supports the Representative by performing legal tasks. From time to time, the Regional Office benefits from the engagement of long- and short-term interns from local and overseas universities.
3. Since its establishment, ROAP acts as a bridge to enhance communications and understanding between the PB of the HCCH and States in the Asia Pacific region. Despite its limited staff and resources, ROAP has spared no effort to promote the HCCH and HCCH instruments by conducting events, developing projects and a variety of other activities across the Asia Pacific. ROAP focuses on the priorities of the PB, and its work covers the major work areas of the HCCH.

III. Achievements: projects and activities 2019

4. From 19 to 22 February 2019, experts from Informal Working Group II and Group IV under the Judgments Project met in Hong Kong. The meetings were co-organised by the Department of Justice of the Hong Kong SAR and ROAP. The mandate of the two Groups was to work on the issues relating to judgments pertaining to governments and common courts respectively. Delegates from the stakeholder States had a thorough discussion on the relevant clauses in the draft text. The meetings of the two working group contributed to the conclusion of the HCCH Judgments Convention in July 2019.
5. On 25 March 2019, ROAP was invited by the Attorney General's Chambers (AGC) of Malaysia to provide a briefing to Malaysian officials on the work of the HCCH and the benefits of HCCH instruments as well as the Apostille Convention. They were informed by officials from the AGC of Malaysia that the AGC supported Malaysia's accession to the HCCH 1961 Apostille Convention.
6. From 22 to 23 August 2019, the Secretary General and ROAP were invited to attend and speak at the biennial conference of the Asian Society of International Law held in Manila. They attended several meetings organised by the Department of Foreign Affairs of the Philippines (DFA) with officials and organisations including the Chief Justice of the Supreme Court of the Philippines, the Secretary for Foreign Affairs, and the Executive Vice President of the Integrated Bar Association of the Philippines. Philippines officials were briefed on several HCCH

Conventions. The Secretary General was in turn briefed by Philippines officials on the progress of Philippines' joining the HCCH 1965 Service Convention. The Philippines government is also considering the possibility of joining the HCCH 1980 Evidence Convention. At the same time, the Supreme Court of the Philippines was studying the new HCCH Judgments Convention concluded in July 2019.

7. On 9 September 2019, the inaugural global event for the promotion of the HCCH 2019 Judgments Convention, co-organised by the HCCH and the Department of Justice of the Hong Kong SAR, was held in Hong Kong. ROAP worked closely with the Department of Justice of the Hong Kong SAR. The Conference was attended by over 200 participants, more than 30 of whom came from abroad. The Conference was opened by Mr Jia Guide, Director-General of the Department of Treaty and Law of the Chinese Ministry of Foreign Affairs, Ms Teresa Cheng, Secretary for Justice of the HKSAR, and the Secretary General. The Conference provided a general overview of the Judgments Convention as well as the policy implications arising from its adoption and implementation, including dispute resolution strategy and planning as well as the technical aspects of the Convention. The Conference succeeded in promoting deeper understanding of the Convention in the Region and it successfully kick-started a series of promotional events for the newly concluded instrument.
8. On 12 September 2019, the Secretary General and ROAP visited Myanmar where the Secretary General met with the Chief Justice and the Attorney General of Myanmar. Officials from Myanmar were supportive of the work of HCCH and acknowledged that there was a need to develop private international law principles to enhance the business environment. There was also a frank discussion about the resource problems in Myanmar and its need for technical assistance in the area of private international law. The Secretary General referred to the important conclusion of the HCCH 2019 Judgments Convention. He also mentioned several HCCH Conventions that may be of interest to Myanmar, including the HCCH 1961 Apostille Convention and the HCCH 2005 Choice of Court Convention.
9. ROAP was invited to attend the Governing Council meeting of the ASEAN Law Association (ALA) held in Phuket, Thailand on 21 November 2019. ALA is an influential organisation whose members are senior legal officials and judges from all ten members of ASEAN. ROAP presented on the work and methods of the HCCH and gave a brief overview of the HCCH 1961 Apostille Convention and how the Convention could benefit the various initiatives of ASEAN, including the establishment of the ASEAN Economic Community and the Regional Comprehensive Economic Partnership comprising ASEAN and at least five other economies.
10. On 27 November 2019, the Secretary General and ROAP met with the Deputy Prime Minister (DPM) of Thailand and the Permanent Secretary for the Ministry of Justice and had a very useful exchange concerning Thailand's ambition to join the HCCH as a Member. A positive signal was also given by Thai officials with regards to the possibility of Thailand joining the HCCH 1961 Apostille Convention.
11. On 29 November 2019, the Secretary General and ROAP met with officials from the Ministry of Law and Human Rights of Indonesia in Jakarta. They exchanged views on the issue of Indonesia joining the HCCH as a Member. They also discussed the possibility of Indonesia joining the HCCH 1961 Apostille Convention.
12. In addition to the activities above, ROAP cooperated with other international, regional and national organisations as well as the universities in the region to promote the HCCH and HCCH instruments. These organisations included with the Asia Pacific Economic Co-operation (APEC), ASEAN, UNCITRAL, and the Asia Academy of International Law. ROAP also attended the family Mediation Symposium in Singapore in March 2019, in which the enforcement of cross-border mediation agreements was canvassed, and participated in the seminar organised for the China-

AALCO (Asian-African Legal Consultative Organization) Exchange and Research Program on International Law in Hong Kong in August 2019. In September 2019, ROAP took part in the Belt and Road Summit in Hong Kong to promote the HCCH's work. Moreover, ROAP presented the core HCCH Conventions during the Judicial Summit of Asia and Pacific and the Asia Pacific Judicial Roundtable in Hong Kong, organised by UNCITRAL in November 2019. In December 2019, ROAP received officials from the Japanese Central Authority under the HCCH 1980 Child Abduction Convention (1980 Convention) and had a useful exchange of views on future collaboration to promote the 1980 Convention in the Asia Pacific region.

IV. Challenges

13. The diverse cultural and religious background, as well as legal traditions of States in the Asia and Pacific region, continues to present a challenge to ROAP's effort to promote HCCH Conventions, especially when it comes to Conventions dealing with family matters. Meanwhile, lag in the development of domestic law, and the limited expertise in private international law, amongst emerging economies and less developed States in the region means that it is more difficult for these States to accede to HCCH instruments and ensure their proper implementation and operation. Finally, the lack of a proper understanding of the work of HCCH and its Conventions is an impediment to membership and accession to HCCH instruments. This said, ROAP will continue to play a significant role in this challenging environment.
14. In addition, ROAP's ongoing resource constraints (relying solely on voluntary contributions by Members) continues to make it difficult for ROAP to make long-term operational plans and commitments.

V. Future work

15. In 2020, ROAP will continue to engage in events and activities promoting HCCH and its core Conventions, looking into ways of strengthening the network of National Organs as well as Central and Competent Authorities in the region and enhancing the various post-Convention services developed by HCCH. In March, ROAP will likely assist the PB to present the work of HCCH and particularly the HCCH 1961 Apostille Convention at the ASEAN Senior Law Officials Meeting (ASLOM) in Myanmar. There is also a plan to co-host a seminar in Japan in 2020 with the Ministry of Foreign Affairs of Japan which will focus on the HCCH 1980 Child Abduction Convention. Additionally, as mentioned in previous reports, ROAP will move its office to the former French Mission Building located in the Central District of Hong Kong around the middle of 2020, which has been generously provided by the Government of Hong Kong SAR. ROAP will work closely with the Hong Kong SAR Government with a view to facilitating the relocation as well as proceeding with all necessary preparatory work.