

PLAN STRATEGIQUE DE LA CONFERENCE DE LA HAYE

SYNTHESE

établie par le Bureau Permanent

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STRATEGIC PLAN OF THE HAGUE CONFERENCE

EXECUTIVE SUMMARY

drawn up by the Permanent Bureau

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VISION, MISSION, STRENGTHS AND VALUES OF THE HAGUE CONFERENCE

VISION

- To work for a world in which individuals, families as well as companies and other entities whose lives and activities transcend the boundaries between different legal systems, enjoy a high degree of legal security.
- To promote the orderly and efficient settlement of disputes, good governance and the rule of law, while respecting the diversity of legal traditions.

MISSION

- To be a forum for Member States for the development and implementation of common rules of private international law in order to co-ordinate the relationships between different private law systems in international situations.
- To promote international judicial and administrative co-operation in the fields of protection of the family and children, civil procedure and commercial law.
- To provide high-standard legal services and technical assistance for the benefit of Member States and States Parties to Hague Conventions, their government officials, judiciary and practitioners.
- To provide high-quality and readily accessible information to Member States and States Parties to Hague Conventions, their government officials, judiciary, practitioners and the public in general.

STRENGTHS AND VALUES

Global network

- The strength of the Hague Conference derives from the links it maintains with its Member States and States Parties to Hague Conventions – representing all continents – their national experts, delegates, Central and other National Authorities, professional and academic communities and individuals, and from the co-operation with other international governmental and non-governmental organisations.

Diversity of legal traditions

- The diversity of legal traditions constituting the Hague Conference makes it a unique forum for the development of universally acceptable solutions.

Experience

- The Hague Conference is known for the high-quality and scientific excellence of its work, for the development of creative solutions and for its unrivalled contribution to private international law over a period of more than 100 years.

Reputation

- The Hague Conference is an organisation within which world experts and delegates are committed to working together on the basis of mutual trust, support and respect.

Location

- The strengths of the Conference are enhanced by its location in The Hague, Centre for International Justice, and by the significant and sustained support provided by the Netherlands Government.

OUR PLANNING ENVIRONMENT

The Hague Conference has in recent years experienced an unprecedented period of growth, both in its membership and activities. The Strategic Plan is the blueprint of the Conference for responding to the many trends that are influencing its activities. These trends are driven by the phenomenon of globalisation, the internationalisation of business and family life, the pace of technological change, changing public attitudes and regionalisation. More particularly, these trends are evidenced by -

- new technologies resulting in an explosion of new products and services, business, knowledge sharing and accelerated communications;
- the ever increasing cross-border movement of persons, goods, services and capital;
- the pressure toward increasing the global span of the Conference;
- an increasing public interest in being informed about rights; and,
- the enlarged role of regional integration organisations, such as the European Union, in the area of private international law.

These trends have resulted in a number of pressures and changes for the organisation, including -

- the growing demands from target audiences such as Member States; non-Member States Parties to Conventions; individuals associated with the different judicial systems; Central and other National Authorities; families, children and other individuals; industry and private companies; other international organisations; and the professional and academic communities;
- the increased diversity in the Membership of the Conference;
- the additional work involved in developing new Conventions; and,
- the growing burden of servicing existing Conventions.

However, over the years the resources to respond to these pressures, changes and growing demands have not been adjusted adequately. The result has been a mismatch or gap between the demands made on the organisation and the resources made available to meet those demands.

STRATEGIC DIRECTIONS

The following Strategic Directions will assist the Permanent Bureau and the Member States in continuing to adapt to the changing and growing demands on the work of the Conference. They provide a framework for the way in which the 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.

Increasing the global coverage of the Conference

A considered growth in the number of Member States is desirable. In the near future, the organisation may also welcome regional integration organisations as Members. New Members should, as much as possible, continue to be drawn from States Parties to one or more Hague Conventions and States that are already familiar with the work of the Conference. In addition, the Conference will continue to encourage wider adherence to Hague Conventions.

The Conference should place itself in a better position to respond to the growing needs of regions such as Africa, Asia and the middle-East that have traditionally had a smaller representation at the Conference. To this end the Conference should be made more visible in these regions. The involvement in the work of the Permanent Bureau of experts from other legal traditions in addition to the civil law and common law traditions is essential. In the same vein, it will be important to remain flexible in the use of non-official languages as needed. Finally, in the light of the increased number of States involved in the work of the Conference, discussions will continue with the Carnegie Foundation in order to plan the expansion of the Academy Building where the Conference holds its larger meetings.

Resource implications to respond to immediate needs –

- Additional and varied legal expertise (including administrative and operational support) to respond to the work increase of the Conference resulting from the increasing Membership.

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

In an environment where the workload is increasing, 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 (including treaty administration, monitoring and review, the provision of technical advice and assistance with training and education, the gathering and disseminating of information and promoting consistency in State practice). The Conference will continue to build on its strengths that include the development and aftercare of Conventions and the establishment of co-operation mechanisms.

The Conference will concentrate its work on well-defined, widely recognised and pressing problems in areas in which States have a strong interest. Conventions will remain the main vehicle of the Conference; recommendations, good practice guides, model laws and other non-binding instruments will be devised when appropriate. 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.

Resource implications to respond to immediate needs –

- States' officials on secondment, interns and *stagiaires* to assist in the monitoring of the child protection Conventions and the civil procedure and legal assistance Conventions.
- States' officials on secondment to continue the preparation of a Good Practice Guide for the International Child Abduction Convention.
- States' officials on secondment or other persons on temporary placement to manage the education and training activities and to explore funding opportunities.

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

In an environment where the legal and political issues are increasingly complex, resources are limited and the number of interested parties is constantly growing, it is essential to provide flexibility in the development of new instruments. Depending on the nature and stage of the projects, the development of different types of instrument, including Conventions, may require different methods. When appropriate, the Conference will conduct more regional preparatory meetings in order to facilitate the input of all interested stakeholders and, when possible, to reduce the number or length of larger meetings. Furthermore, depending on the projects, it may be opportune to utilise more experts working groups in addition to or in lieu of Special Commissions. In order to ensure the objectivity of these alternate working methods the Conference will make certain that these undertakings are as transparent as possible.

Resource implications to respond to immediate needs –

- Outside expert consultants, States' officials on secondment, interns and *stagiaires* to provide temporary help to ongoing projects.
- Secure resources or other support for the holding of regional meetings.
- Installation, operation and maintenance of telephone and video conferencing technology.
- Acquisition of simultaneous interpretation facilities for the meeting room in the building of the Permanent Bureau.

Increasing communication and co-operation with other international organisations

Increasing effective co-operation and developing useful partnerships with other organisations can result in resource savings for both States and organisations. It is also important to remind other organisations of the work and research already accomplished by the Conference in order to avoid duplication. In developing co-operation and partnerships with sister organisations the Conference will continue to be selective and to weigh the costs and benefits.

Resource implications to respond to immediate needs –

- Increase the allocation of resources to attend meetings and conferences of other international organisations.

Enhancing the management of internal information

The Permanent Bureau has now reached the point where it is lacking expertise and resources to deal effectively with its internal information systems. By better managing and supporting its technology systems, internal information, library resources, documents and publications the Permanent Bureau will increase its productivity and will be in better condition to welcome State officials on secondment, interns and *stagiaires*. There is an urgent need to alleviate the loss of corporate memory and to prevent future loss.

Resource implications to respond to immediate needs –

- Full-time computer technology support.
- A multi-lingual information manager who will possess librarian, archivist, filing and electronic research skills.
- Basic subscription to electronic legal research databases such as Lexis Nexis.

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

The Strategic Plan identifies several methods of securing additional revenues, for example by increasing the Membership and by identifying some initiatives that could be funded outside the regular budget. It also identifies several methods to lower operation costs, for example by being selective about the work to be undertaken, consolidating services, enhancing working methods and providing flexibility. In order to help close the gap between resources and demands, the Conference will strive to make the decision process a more transparent and informed process by identifying resource implications for new initiatives to be undertaken. By bringing together policy matters and their financial implications, the Conference will endeavour to create partnerships with its Member States in order to devise alternate funding solutions such as voluntary supplementary funding and contributions in kind, for example secondment of State officials, internships and the supply of equipment. In order to facilitate this dialogue, General Affairs and Policy will have to meet on a more regular basis to make adjustments to the Work Programme in the light of the regular and additional resources available.

However, some resources (e.g. for computer technology support and information management) essential to support the core functions of the Conference are still lacking and this seriously impairs the effectiveness of the organisation. Furthermore, these resources are critical to support the integration of officials on secondments, interns and *stagiaires* and to raising funds from external sources. These resources should over-time be funded through States' regular contributions.

Flexibility will be maintained by continuing to fix a supplementary budget for voluntary contributions. Moreover, the existing financial situation will be alleviated, to the extent possible, by seeking private funding in a considered way.

Resource implications to respond to immediate needs –

- Possible acquisition of a resource tracking software to allow a better planning of resources.
- Costs associated with a fund-raising campaign for specific projects.

CONCLUSION

The main directions indicated in the Strategic Plan have now been given unanimous support by Member States of the Organisation at the Commission I meeting of 22-24 April 2002 on General Affairs and Policy of the Organisation. The Conclusion of Commission I reads as follows:

“Commission I supports the main directions indicated in the Strategic Plan prepared by the Permanent Bureau. Commission I welcomes the linking of the programming of the Conference, decided by the organs of the Conference responsible for General Affairs and Policy, and the budget decided by the Council of Diplomatic Representatives. Commission I supports the proposal that the implementation of the Strategic Plan be reviewed on a regular basis by the organs responsible for General Affairs and Policy and that the Strategic Plan itself be reviewed as a whole on a four year basis, depending on the outcome of the regular reviews of its implementation.”

The Strategic Plan will support the Organisation’s budget planning for the coming years.