GENERAL AFFAIRS AND POLICY
AFFAIRES GÉNÉRALES ET POLITIQUE

March / mars 2015

HCCH
HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ

SWISS PROPOSAL – DISCUSSION ON THE GENERAL DIRECTION OF THE WORK OF THE HAGUE CONFERENCE

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PROPOSITION DE LA SUISSE – DISCUSSION SUR L'ORIENTATION GÉNÉRALE DES TRAVAUX DE LA CONFÉRENCE DE LA HAYE

(DISPONIBLE EN ANGLAIS UNIQUEMENT)

For the attention of the Council of March 2015 on General Affairs and Policy of the Conference

À l'attention du Conseil de mars 2015 sur les affaires générales et la politique de la Conférence

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The purpose of the Hague Conference is to work for the progressive unification of the rules of private international law (Art. 1 of the Statute). From 1954 to 2007, 37 Conventions and one Protocol were adopted by the Conference at regular intervals of no more than 4 to 5 years. Since 2007, normative work has progressed slowly and no new Convention or Protocol has been developed. Two obstacles would appear to explain to a large extent the significant slowdown of the Conference's normative work cycle.

1) Requirement for engaging in normative work

The Council examines all proposals intended to be placed on the Conference's Agenda and determines the action to be taken on such proposals (Art. 4(3) of the Statute). In recent years, with the growing number of Members, it has become increasingly difficult to reach agreement on the Work Agenda.

Although the Statute provides that the Council operates on the basis of consensus to the furthest extent possible (Art. 8(2) of the Statute), it does not prevent the Council from making decisions on a basis other than consensus, for example, on the basis of a representative number of expressions of interest.

We therefore suggest a general debate regarding the basis on which the Council will decide to place a proposal on the Conference's Work Agenda, and to determine the nature of the work to be undertaken as well as the level of priority.

2) Priorities of and balance between the different activities of the Conference

The Council has charge of the operation of the Conference and directs the activities of the Permanent Bureau (Art. 4(1) and (2) of the Statute) toward fulfilling the Conference's mandate.

Over recent decades, an ever-increasing amount of the Permanent Bureau's resources (both human and financial) has been dedicated to the development of a range of products and services (implementation, support and monitoring of existing Conventions, including technical / post-convention assistance) and promotion activities. This has had a direct impact on the resources available for normative work, the primary task of the Conference.

We therefore suggest a general debate regarding the priorities to be set by Council, where appropriate, within each of the different areas of activities, in particular regarding normative work.