

Council on General Affairs and Policy of the Conference – March 2018

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 20 of February 2018
Title	Proceedings of the HCCH: Update and proposals	
Author	Permanent Bureau	
Agenda item	Item VI.7	
Mandate(s)	n.a.	
Objective	To seek Council's approval with regard to the procedure for future <i>Proceedings</i>	
Action to be taken	For Approval <input checked="" type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>	
Annexes	n.a.	
Related documents	n.a.	

A. INTRODUCTION

1. In 2017, the Permanent Bureau (PB) completed work on the last volume of the *Proceedings of the Twentieth Session* (resulting in the final text of the *Hague Convention of 30 June 2005 on Choice of Court Agreements*). Intersentia BV published the three Tomes of these *Proceedings*; Members received one copy of each Tome by post. The expenses associated with the production and distribution of the Tomes were covered by the Government of the Kingdom of the Netherlands, in accordance with Article 11(1) of the Statue of the Hague Conference on Private International Law (HCCH) which states, “[t]he expenses resulting from the Ordinary and Extraordinary Sessions of the Conference shall be borne by the Government of the Netherlands”.

2. The PB is currently working to complete the *Proceedings of the Twenty-First Session* (resulting in the final texts of both the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* and the *Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations*). According to the current planning, all three Tomes will be completed by early 2019 (at the latest). Whereas in the past the PB has worked with external publishers to produce and publish the *Proceedings*, starting with the Twenty-First Session and going forward, the editing and production of the Tomes will be carried out by the PB. Preparing the *Proceedings* in-house will allow the PB to avoid the delays inherent in working with a publisher, including the review of many rounds of proofs. Furthermore, the PB can make the *Proceedings* available in a digital, searchable format, which was not possible when working with publishers who saw searchable PDFs as competition for the printed versions which they seek to sell for a profit. The PB plans to make the Tomes available electronically on the public section of the HCCH website for free. After discussion with the Netherlands Government, the PB also plans to arrange for the printing of a small stock of hard copies of the three Tomes of these *Proceedings* for Members and for internal use.

3. As of the Twenty-Second Session (which will be dedicated to the Recognition and Enforcement of Foreign Judgments and which is currently envisaged for mid-2019), the PB proposes to take an online-only approach. A public webpage on the HCCH website would be created for the work carried out before the Diplomatic Session (this page would closely resemble the page on the Secure Portal of the HCCH website dedicated to the meetings of the Special Commission on the Judgments Project). All materials related to the Diplomatic Session would then be added to this page (under a separate heading) so that preparatory and Diplomatic Session documents would be available in one place in a searchable, electronic format. Following the above-mentioned discussions on the future of the *Proceedings*, the Netherlands Government and the PB propose that from the Twenty-Second Session going forward, hard copies of the *Proceedings* would not be produced (not even on the basis of “on-demand and against payment” as the PB does not have the capability to print the Tomes of the *Proceedings* in-house due to the fact that the number of pages exceeds the printing capability of the PB machines).

4. In the meantime, and in parallel to the work undertaken in relation to the *Proceedings of the Twenty-First Session* (see above para. 2), the PB is also working to make the *Proceedings* of all of the Diplomatic Sessions since 1893 available on the HCCH website. All Tomes have already been scanned and thus exist in digital format. The plan is to upload these Tomes gradually onto the HCCH website and to make them accessible (and searchable) for free. While hard copies of the complete collection of Tomes are presented to each new Member of the HCCH when they join the Organisation and are also available for purchase, electronic versions of these publications have never been made available.

5. Finally, the PB is also considering the best way to bundle and disseminate the important post-Convention work related to the core Conventions that has taken place since the Diplomatic Sessions during which these Conventions were negotiated. Most of this post-Convention work, in particular the work of the Special Commissions on the practical operation of the core Conventions, is not reflected in the *Proceedings* of the HCCH. For example, the Special Commission on the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention) has met four times since the Diplomatic Session in 1961, and there have been eight meetings of the Special Commission on the *Hague Convention of 25 October 1980 on the Civil Aspects of*

International Child Abduction (1980 Child Abduction Convention), three of which have also included the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children*. Additionally, the Special Commission on the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* has met five times since the Diplomatic Session in 1993. While most of the documentation relating to these meetings is available on the public section of the HCCH website, some material has only been shared with Members and participants in the meetings, including in particular the Reports of the meetings (PVs) and Working Documents (but also lists of participants).

6. The Permanent Bureau proposes to systemise all this post-Convention work and to make it accessible on the HCCH website free of charge. The idea is to adopt a uniform structure for all the specialised sections of the core Conventions (which is currently not the case) which would include a link to a "Proceedings" page of the relevant Convention. That page would contain a scan of the already published *Proceedings* (encompassing the work leading up to the Diplomatic Session as well as the work carried out during the Session itself) and links to dedicated pages for each post-Convention meeting of the Special Commission, following the model for Special Commissions currently used on the Secure Portal of the HCCH website. Creating "HCCH Meeting Proceedings" pages will represent a change in policy in that it will make certain documents (Working Documents, Reports of the meetings (PVs), and possibly lists of participants) publically accessible for the first time. These kinds of documents have always been included in the published *Proceedings* of Diplomatic Sessions, so the PB sees no impediment to making them public for Special Commission meetings as well (with the caveat that certain documents may have to be reworked: for example, the PB would need to remove contact information from lists of participants).

7. The PB posits that for certain Conventions, a complete, systemised overview of "HCCH Meeting Proceedings" would be a useful tool. For example, this information would be accessible to States exploring becoming a Party to a specific Convention or implementing a Convention and would also be available to researchers and academics. If the Members support the publication of Meeting Proceedings on the HCCH website, the PB would suggest starting with documents related to the Conventions that are most widely used worldwide, for example the Apostille Convention and / or the 1980 Child Abduction Convention.

8. The PB could also envisage producing hard copies in a soft-cover A4 format on demand for a nominal fee plus shipping expenses. Each Tome of the HCCH Meeting Proceedings would contain work related to one Special Commission meeting, so that the collection could continue to expand with each meeting going forward. As these Meeting Proceedings are not tied to the Diplomatic Sessions, the Government of the Kingdom of the Netherlands will not cover expenses associated with publication. The PB anticipates that the work associated with the production of the HCCH Meeting Proceedings can be absorbed by the current staff, provided that the work is carried out as resources permit.

9. As these are important developments that relate to the Organisation's history and long-term visibility, the PB would appreciate feedback on the proposed initiatives from the Members.

B. PAST AND FUTURE FORMATS OF THE *PROCEEDINGS* OF DIPLOMATIC SESSIONS

10. Since the 1950s the *Proceedings* of the Diplomatic Sessions have been published in a specific format: the editions are bilingual, with the French text appearing on the left and the English text appearing on the right. The text is presented in two columns per page and the page breaks align so that the information contained on each page is identical. While this allows for the French and English texts to be consulted simultaneously, this format requires that all documents prepared for Diplomatic Sessions be entirely reformatted and page-break aligned, which is a very time-consuming task and one of the main sources of the delay in producing the Tomes.

11. The work on the *Proceedings of the Twenty-First Session* is well underway and the traditional format has been maintained. However, starting with the Twenty-Second Session in mid-2019, the PB proposes to publish separate French and English versions of documents “as is”, that is, in the same format as during the Session, on a dedicated page of the HCCH website. This is a much simpler process as the documents could be taken directly from the PB database and added to the dedicated webpage, which means the *Proceedings* could be compiled and made available gradually – albeit unedited – in real time as the various documents are distributed. This would shorten considerably – in fact, bring down to a minimum – the time the PB spends on preparing the *Proceedings*.

12. As mentioned above, in the past, the *Proceedings* have only been produced as hard copy volumes. Although some publishers have shared PDF versions of the Tomes with the PB, these were strictly for internal use. During the last decade, the PB has scanned the complete collection of the *Proceedings* using funds from the Budget earmarked for library expenses. In parallel, the PB has explored multiple platforms to disseminate the complete digital collection, seeking a platform that would give free access to Members but charge a fee for other users. Despite several promising leads, the PB was unable to find a partner who was willing to work within the established practical and financial parameters.

13. In recent months, the PB has reached out to the publishers of previous *Proceedings* to ask for their permission to create PDF versions of the Tomes. As of this writing, permission has been received from all but one of the publishers. When this final permission is received, the PB proposes to add scanned copies of all of the *Proceedings* to the public section of the HCCH website. Given that the PB will also be undergoing a migration of its information technology systems in 2018, the work of uploading these documents will be carried out as time allows. It is further suggested that the core Conventions will be prioritised and uploaded first (as opposed to following a purely chronological order of the Conventions).

C. CONCLUSION

14. The PB will attempt to complete its work on the Tomes of the Twenty-First Session as soon as possible, and lay the groundwork for a quick turnaround of the documents resulting from the next Diplomatic Session in mid-2019. The PB invites the Members to indicate whether they agree with the proposal to stop production of hard copy *Proceedings* as of the Twenty-Second Session and replace the *Proceedings* with online collections of documents in English or French, with the consequence that the English and French versions of documents will no longer be published side-by-side.

15. The PB will work to make the *Proceedings* of all Diplomatic Sessions available on the HCCH website as soon as possible, resources permitting, and giving priority to the core Conventions.

16. In parallel, the PB requests that the Council indicate whether grouping of themed documents as “HCCH Meeting Proceedings” on the public section of the HCCH website would be a valuable resource. Further the PB invites Members to indicate whether they approve posting documents on the HCCH website that have not been previously available (incl. Working Documents, Reports of meetings (PVs), and possibly lists of participants (without contact details)). If this concept is deemed useful, the PB requests that the Council give it a mandate to pursue this work, in parallel with the other work related to the *Proceedings* of the Diplomatic Sessions.

17. The PB currently contracts a publications consultant who works on the formatting and editing of the *Proceedings*. In The Hague, the Head of Administration, Publications Co-ordinator, Information Manager, and Website / IT Officer work on matters relating to the *Proceedings*. The proposed work would not entail any additional salary expense beyond what is included in the proposed Budget. The expenses associated with printing a small stock of the *Proceedings of the Twenty-First Session* would be covered by the Government of the Kingdom of the Netherlands. With regard to the HCCH Meeting Proceedings, the work would be carried out as resources allow and any expense resulting from printing would be offset by the purchase price for the publication. The proposals contained in this document are therefore budget-neutral.