

## **MISE À JOUR DU PLAN STRATÉGIQUE**

*établie par le Bureau Permanent*

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## **STRATEGIC PLAN UPDATE**

*drawn up by the Permanent Bureau*

*Document préliminaire No 12 de mars 2007  
à l'intention du Conseil d'avril 2007  
sur les affaires générales et la politique de la Conférence*

*Preliminary Document No 12 of March 2007  
for the attention of the Council of April 2007  
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 [...]".<sup>1</sup> This decision was confirmed by the Nineteenth Session in December 2002 and is reflected in the Final Act of 13 December 2002 of that 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 2006 until March 2007. 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 Council 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 65 Member States:
  - Paraguay (admitted in 2003) is the latest State to have accepted the Statute on 28 June 2005.
  - Costa Rica (2002), Zambia (2004) and Colombia (2006) have been admitted but still need to accept the Statute. Pending the acceptance of the Statute by these States, they are being invited to attend meetings of the Hague Conference as observers.
  - The admission of Ecuador has been submitted to vote in December 2006; the six months period for the vote will expire on 1 June 2007.
- 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.
- On 1 January 2007, a revised version of the Statute of the Hague Conference – in French and English, both texts from then on being equally authentic – entered into force. The main purpose of the amendments is to make it possible for Regional Economic Integration Organisations to become a Member of the Hague Conference (Art. 3). The admission procedure for the European Community – in addition to its 27 Member States, all of which are already Members of the Conference – is expected to be finalised during 2007.<sup>2</sup>

##### Global coverage of Hague Conventions

- There are now 125 States in all parts of the world that are Contracting States to one or more Hague Conventions.
- Efforts are being made, including the establishment of special funds to support attendance by experts from less-developed States, to ensure that a

<sup>1</sup> See "The Hague Conference on Private International Law Strategic Plan", drawn up by the Permanent Bureau, April 2002, para. [008].

<sup>2</sup> See Final Act of the Twentieth Session, under C 5-6.

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 family maintenance (the Child Support and Maintenance Project – more than 65 States have been so far involved). Similar efforts were made in relation to the Special Commission on the practical operation of the 1980 Convention on Child Abduction and implementation of the 1996 Convention on the Protection of Children held in October / November 2006.

- The Special Programme for Latin American States for the promotion and training in respect of Hague Conventions has completed a second year. The Programme that focussed at first on Child Protection Conventions now includes all Hague Judicial and Administrative Co-operation Conventions.<sup>3</sup>
- A Judicial Seminar was held in The Hague that involved principally Judges from Southern and Eastern Africa (3 to 6 September 2006) and another seminar is under preparation for French-speaking Western and Central African States (late August 2007).<sup>4</sup>
- Preparations for a conference jointly organised with the Australian Government involving countries of the Asian and Pacific regions are under way (to be held in Sydney June 2007).<sup>5</sup>
- Preparations are underway for a Judicial Conference involving, inter alia, several Arab League States, to be held in Cairo in the early part of 2008.

#### Visibility

- The Conference continues to modernise its website – more than 43,000 pages are visited daily (3,600 visitors per day) – with a view to facilitating bilingual usage, and making all the information accessible through a database, including documents in languages other than the official languages of the Conference.
- During the last year, the Secretary General and members of the Permanent Bureau made official visits to, lectured or gave seminars in: Argentina, Austria, Belgium, Brazil, Bolivia, Canada, Chile, Egypt, Finland, France, Germany, Georgia, Greece, Guatemala, Honduras, Hungary, India, Ireland, Israel, Italy, Kenya, Laos, Luxembourg, Malta, Mexico, Morocco, the Netherlands, Peru, Poland, Portugal, the Russian Federation, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United States of America, Uruguay and Vietnam.
- In November 2006, the Ministers of Justice of the Member States of MERCOSUR (Argentina, Brazil, Paraguay, Uruguay and Venezuela), as well as of the Associate States Chile and Bolivia, signed a declaration encouraging States of the region which have not already done so to ratify / accede to the Hague Apostille, Service, Evidence and Access to Justice Conventions.
- The Permanent Bureau concluded an agreement with the Moscow State Institute of International Relations with a view to creating a documentation centre to disseminate Hague Conference documents and publications.
- Discussions are taking place in relation to the establishment of a Hague Conference documentation centre for the Southern African Region.
- During the past 12 months the Permanent Bureau welcomed interns and officials on secondment from the following countries: Canada, Germany, The Netherlands, Spain, and the United States of America.
- On the invitation of the Governments, the Secretary General made official visits to Argentina (June 2006), Uruguay (June 2006), India (December 2006)

<sup>3</sup> See Prel. Doc. No 14 concerning regional developments and training activities.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

the Russian Federation (January 2007) and Indonesia (March 2007). The Deputy Secretary General made an official visit to Egypt (February 2007).

- In August 2006, the Hague Conference received from the National Child Support Enforcement Association (NCSEA) (USA) the Children's Champion Award.

#### Accommodating larger meetings

- The new Academy Building – where the Conference holds its larger meetings – was officially opened in January 2007. The next meeting of the Council on General Affairs and Policy of the Conference will inaugurate this new conference centre which offers all modern facilities such as WiFi connection for delegates, business centre and interpretation facilities for 6 languages, etc.

### **Strategic Direction 2**

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

The Conference continues to focus equally on its two core activities – the development and the monitoring of Conventions, including the provision of unique post-Convention services. At the same time it is increasingly engaged in providing education and training aimed at promoting and improving the implementation and application of Conventions by judges, Central Authorities and others.

#### Development of Conventions

- From 19 to 28 June 2006, the Special Commission on the Child Support and Maintenance Project met for a fourth time to continue its April 2005, June 2004 and May 2003 discussions.
- From 11 to 15 September 2006, the Drafting Committee on the Child Support and Maintenance Project met at The Hague, and subsequently by conference calls on 28 November and 7 December 2006, to produce the preliminary draft Convention for the attention of the Twenty-first Session of the Conference of November 2007.
- On 17 and 18 November 2006, the Working Group on Applicable Law on the Child Support and Maintenance project met at The Hague to produce a Working Draft on Applicable Law for the attention of the Fifth meeting of the Special Commission on the Child Support and Maintenance Project.
- From 8 to 10 February 2007, the Co-Reporters met at The Hague to finalise their Explanatory Report on the preliminary draft Convention for the attention of the Twenty-first Session of the Conference of November 2007.
- On 16 May 2006 and on 15 and 16 March 2007, the Administrative Co-operation Working Group (ACWG) on the Child Support and Maintenance Project met in person, respectively in The Hague and in London, and on 23 January 2007 by conference calls through the support of the Office for Child Support Enforcement of the United States of America. The ACWG has Sub-committees on Country Profiles and Monitoring and Review that meet by conference calls between the calls of the ACWG. The Sub-Committee on Country Profiles met in London at the invitation of the Government of Canada on 14 and 15 March 2007 and the Sub-Committee on Monitoring and Review met in London on 15 and 16 March 2007.
- The Forms Committee on the Maintenance Project, that is a standing Committee of the Child Support and Maintenance Special Commission, meets by conference calls.

- Finalisation of the Explanatory Report on the 2005 Choice of Court Agreements Convention is well underway. A first draft was sent to government delegations for their comments in May 2006 and a revised draft in December 2006.
- Feasibility studies are under way on the possible development of instruments concerning: (1) cross-border mediation in family matters; (2) choice of law in international contracts; and, (3) cross-border co-operation on the treatment of foreign law

#### Post-Convention services

- For a detailed account of the post-Convention services concerning the three modern Hague Children's Conventions, see Preliminary Document No 13, "Projects concerning the Children's Conventions, Maintenance, Adults and Cohabitation" and see Preliminary Document No 14 concerning regional developments and training activities. The latter contains a Report on the Special Programme for Latin America.
- Work with regard to the Guide to Good Practice under the 1980 Child Abduction Convention to finalise Parts on: (1) Access / Contact; and, 2) the Enforcement of Orders made under the 1980 Convention, is underway.
- The Fifth meeting of the Special Commission to review the practical operation of the 1980 Child Abduction Convention and the practical implementation of the 1996 Child Protection Convention took place in The Hague from 30 October until 9 November 2006. Approximately 270 experts from 73 countries participated. The meeting agreed upon 57 Recommendations and Conclusions.
- On 10 November 2006, a meeting of Inter-American experts on international child abduction co-organised by the Inter-American Children's Institute (INN) and the Hague Conference was held at the Permanent Bureau of the Conference.
- The International Child Abduction Database (INCADAT) website now includes 843 summaries in English, French and Spanish (the Spanish translation of the entire database has been completed during the past 12 months).
- The iChild pilot project (electronic case management system donated by WorldReach Software (Canada) in relation to international child abduction cases) was completed with success in October 2006 after a period of one year with the participation of 7 Central Authorities. Preparations for the implementation of the software are underway in more than 30 Central Authorities that have indicated an interest since October 2006.
- The Permanent Bureau has supplemented its website to collect the statistics of the States Parties to the 1980 Convention on Child Abduction for the purpose of the International Child Abduction Statistical Database (INCASTAT). INCASTAT will be available directly to more than 90 Central Authorities starting April 2007.
- In January 2007, the first test e-Apostille was issued under the suggested model of the e-APP (electronic Apostille Pilot Program); in February 2007, three jurisdictions (Colombia, Kansas and Rhode Island) had implemented at least one of the components of the e-APP.
- The Permanent Bureau published Volumes XI of *The Judges' Newsletter on International Child Protection* the focus of which was the 25<sup>th</sup> Anniversary of the 1980 Child Abduction Convention. All the recent Volumes are also available in Spanish on the Hague Conference website.
- The Permanent Bureau continues its work on direct international judicial communications under the 1980 Convention and continues to be involved in the organisation of judicial seminars.

- Exploratory work continues on the possible development of the iSupport electronic case management and communication system in support of the future Convention on the international recovery of child support and other forms of family maintenance.
- The Permanent Bureau continues to receive and answer a steadily increasing number of requests relating to the practical operation of, in particular, the Abduction, Adoption, Maintenance, Service, Evidence and Apostille Conventions.
- The new edition of the Practical Handbook on the Service Convention is now available in Russian thanks to the assistance of the Government of Canada, and a Spanish version is underway.
- The volume of the "Proceedings of the XIX<sup>th</sup> Session", devoted to the Securities Convention, was released and sent to all Member States in February 2007.

#### Legal education and training

- The Permanent Bureau has facilitated international judicial seminars and conferences on International Child Protection such as the Judicial Seminar on International Co-operation and the Protection of Children in the Southern and Eastern African Region, held in The Hague from 3 to 6 September 2006. It also actively participated in training sessions organised by Euromed, the Academy of European Law, the *Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit* (Germany) and the United Nations Development Programme. Further seminars, conferences and training sessions are referred to in Preliminary Document No 14.
- The Indian Society of International Law in co-operation with the Hague Conference and the Asser Institute organised the 4<sup>th</sup> International Conference on Private International Law held in New Delhi from 1 to 5 December 2006.
- In early 2007, the Permanent Bureau launched the training and technical assistance programme for the effective implementation of the 1993 Intercountry Adoption Convention. The programme is financed through the Supplementary Budget.
- On 30 and 31 January 2007, a seminar on the 1965 Service Convention was held in Saint Petersburg (Russian Federation). This Seminar was jointly organised by the Permanent Bureau and the Canadian and Finnish Governments.
- During the past 12 months, seminars on the 2006 Securities Convention were held in Argentina, Brazil, Chile, Italy, Mexico, Portugal, the Russian Federation and the United States of America.

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. The Permanent Bureau continues its work for the establishment of more systemic training programmes (see Prel. Doc. No 6 for the attention of the Special Commission on General Affairs and Policy, March 2006).

#### Partnerships with States, governmental and non-governmental organisations

- Through the Supplementary Budget and other *ad hoc* funding requests (Maintenance Project, Child Abduction Special Commission, Judicial seminars including the Southern and Eastern African Region Judges' Seminar), the Conference received during the last year (1 April 2006 – 31 January 2007) support by way of contributions or donations from the following States: Argentina, Australia, Canada, Croatia, Finland, Netherlands, Norway, Monaco, Spain, United Kingdom and the United States of America

(see L.c. A No 1(07) of 28 February 2007 and L.c. ON No 8(07) dated 1 March 2007).

- The Hague Forum for Judicial Expertise has contributed to the Southern and Eastern African Region Judges' Seminar on Cross-Border Protection of Children held in The Hague from 3 to 6 September 2006 in the order of 45,356 Euros.
- One secondment of a State official was arranged with Canada (Quebec) (part-time since September 2005).
- One *stagiaire* was funded by the Canadian Federal Government (6 months – completed in March 2007).
- The Ministry of Foreign Affairs of Argentina renewed its support to the Latin-American Programme by hosting the office of the Liaison Legal Officer.

#### Partnerships with academic and research institutes

- In 2006, New York University provided two summer students to the Permanent Bureau.
- In 2006, Georgetown University provided one summer student.
- During the last 12 months different research projects have been undertaken and / or completed with, in particular, Cardiff Law School (United Kingdom) and the University of Aberdeen (United Kingdom). The Permanent Bureau maintains an ongoing co-operation with the *Faculté de droit, Université Jean Moulin*, Lyon (France) and the Tohoku University School of Law (Japan).

### **Strategic Direction 3**

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

##### New working methods

- The Maintenance Project's Applicable Law Working Group is discussing its work by way of a listserv provided by the Permanent Bureau.
- The Administrative Co-operation Working Group on the Maintenance Project and its two Sub-committees met by conference calls and discussed through a Listserv provided by the Office for Child Support Enforcement of the United States of America.
- The Forms Committee on the Maintenance Project met by conference calls.
- Internet based systems are used to provide demonstrations of the iChild software and e-APP to interested authorities.
- A group of experts met at The Hague on 23 and 24 February 2007 to assist the Permanent Bureau with its preparation of a feasibility study on the development of a new instrument for cross-border co-operation concerning the treatment of foreign law.
- The Permanent Bureau organised and co-ordinated a conference call meeting of 15 Latin-American Central Authorities in preparation for the October / November 2006 Special Commission.



## **Strategic Direction 4**

### **Increasing communication and co-operation with other international organisations**

#### Increasing communication

- The Conference continues to modernise its website with a view to facilitating bilingual usage, and making all the information accessible through a database, including documents in languages other than the official languages of the Conference.

#### Increasing co-operation

- In June 2006, the Inter-American Children's Institute (IIN) and the Hague Conference signed a Co-operation Agreement between the two organisations.
- Preparations for the conclusion of a Memorandum of Understanding with AALCO are underway.

During the last 12 months, the Permanent Bureau co-operated with the following organisations:

#### International and transnational governmental organisations

- African Union
- Asian African Legal Consultative Organization (AALCO)
- Bank for International Settlements (BIS)
- *Commission internationale de l'état civil* (CIEC)
- Commonwealth Secretariat
- Council of Europe
- European Central Bank (ECB)
- European Union / European Community
- Inter-American Children's Institute (IIN)
- International Civil Aviation Organisation (ICAO)
- International Institute for the Unification of Private Law (UNIDROIT)
- International Monetary Fund (IMF)
- MERCOSUR
- Organisation of American States (OAS)
- Organisation for Economic Co-operation and Development (OECD)
- United Nations Children's Fund (UNICEF)
- United Nations Commission on International Trade Law (UNCITRAL)
- United Nations Committee on the Rights of the Child
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UNEP)
- World Bank
- World Intellectual Property Organisation (WIPO)
- World Trade Organisation (WTO)

It is important, in particular, to mention the co-ordination meeting held between the heads of the Secretariats of UNCITRAL, UNIDROIT and the Hague Conference held in Rome on 18 September 2006.

### International non-governmental organisations

- *Association internationale de droit judiciaire (AIDJ)*
- *Association internationale francophone des intervenants auprès des familles*
- *Association internationale des Magistrats de la Jeunesse et de la Famille (AIMJF)*
- Conference of Central Securities Depositories
- Defence for Children International
- Euradopt
- European Federation for Missing and Sexually Exploited Children
- European Network on Parental Child Abduction
- Financial Market Lawyers Group (FMLG)
- Inter-American Bar Association (IABA)
- International Academy of Matrimonial Lawyers (IAML)
- International Association of Judicial Officers (UIHJ)
- International Association of Women Judges (IAWJ)
- International Bar Association (IBA)
- International Center for Missing and Exploited Children (ICMEC)
- International Chamber of Commerce (ICC)
- International Federation of Educative Communities (FICE)
- International Foster Care Organisation (IFCO)
- International Law Association (ILA)
- International Securities Services Associations (ISSA)
- International Social Service (ISS)
- International Society of Family Law (ISFL)
- International Swaps and Derivatives Association (ISDA)
- International Union of Latin Notaries (IULN)
- *Ligue internationale du Droit de la concurrence*
- Nordic Adoption Council
- US-Mexico Bar Association

### **Strategic Direction 5**

#### **Enhancing the management of internal information**

- The Permanent Bureau continues its implementation of a 2003 Report on the management of internal information and documents, prepared by an outside consultant, 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 para. [437] of the Strategic Plan).
- During the past year, the Permanent Bureau has concluded a co-operation agreement with the Peace Palace Library concerning the implementation of new computer technology in order to modernise its library. The implementation is nearing completion. The agreement gives the staff of the Permanent Bureau direct on-line access to the electronic resources of the Peace Palace Library including e-journals and legal databases.
- The Information Management Assistant of the Permanent Bureau has established an electronic Newsletter that provides staff members with information concerning publications (including doctrine and case law) and events of relevance to the Hague Conference and its work.

- The Permanent Bureau is currently up-dating its electronic document management system which will make possible the central filing of any kind of electronic document including e-mails and optical character recognition scanned documents.
- The Permanent Bureau is concurrently consolidating the existing paper files and archives with a view to progressively make them available in an electronic format.

### **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 Council on General Affairs and Policy of the Conference, which will meet on 2 to 4 April 2007, will have before it for its information a Proposed Budget for Financial Year LIII (1 July 2007-30 June 2008) (see Strategic Plan, para. [427]), see Preliminary Document No 15.
- An interim Report on the Supplementary Budget for Financial Year LII (1 July 2006-30 June 2007) was sent to Member States in March 2007 (L.c. A No 1(07) and L.c. ON No 8(07)) and a Proposed Supplementary Budget for Financial Year LIII (1 July 2007-30 June 2008) will be presented to Member States on 2 to 4 April 2007 inviting them to make voluntary contributions to provide funding for activities not covered by the regular budget, see Preliminary Document No 16.
- With regard to the workload, timelines and budget implications for 2007-2008 in relation to the projects concerning the Children's Conventions, Maintenance, Adults and Cohabitation, see Preliminary Document No 13.
- Some Member States were invited to make voluntary contributions to the Maintenance Project in 2003, 2004, 2005, 2006 and 2007 and the October / November 2006 Special Commission on the 1980 and 1996 Conventions in 2006.
- The Secretary General with the assistance of a special consultant (HEWITT) and in consultation with the Co-ordinated Organisations continues to study ways to stabilise the pension situation of the Conference.