

Strategic Plan 2019-2022

At its 2022 meeting, the Council on General Affairs and Policy (CGAP) agreed to extend the Strategic Plan 2019-2022 pending the finalisation of a new Strategic Plan by a newly established Working Group and its subsequent approval by CGAP. The relevant Conclusions and Decisions (C&D) of CGAP have been reproduced below:

- “44 CGAP approved the extension of the current Strategic Plan for use until a new Strategic Plan is approved.
- 45 CGAP mandated the establishment of a Working Group to develop a new draft Strategic Plan, with a view to submitting it to CGAP for approval at its 2023 meeting. CGAP noted the new Strategic Plan should cover a period of at least five years.”



2019-2022

HCCH *Strategic* Plan

2019-2022

Foreword



The work of the HCCH takes place in an increasingly more diverse and complex environment. Only a few decades ago, life, transactions or legal proceedings across borders were the exception; today, they are the norm.

To ensure that the HCCH remains the pre-eminent international organisation developing global private international law solutions, a solid strategy that prepares the HCCH well for this environment is essential.

The HCCH Strategic Plan 2019-2022 is the result of a systematic, Member-driven process. It builds on the experience gained from the previous Strategic Plan of 2002 and its updates. While this new Strategic Plan is the result of a complete overhaul, it reinforces long-standing and proven goals of the HCCH. It is, however, also informed by the important events that marked the HCCH's 125th Anniversary. Conferences in Hong Kong and Buenos Aires and the Members' Brainstorming held in The Hague provided important impetus and innovation. I am pleased to see that many of their outcomes are now reflected in this important document.

The HCCH Strategic Plan 2019-2022 sets out the HCCH's ambitions for the next three years. It also sets out how the Organisation will best achieve these ambitions. By providing targeted directions, it will focus the HCCH's efforts towards achieving its goals.

As Secretary General of the HCCH, I affirm that with my colleagues at the Permanent Bureau, I am committed to deliver on, and realise, the HCCH Strategic Plan 2019-2022. I invite all Members of the HCCH to join in these crucial efforts.

A handwritten signature in black ink, consisting of stylized cursive letters, likely 'CB', followed by a horizontal line.

Christophe Bernasconi
Secretary General

Introduction

The HCCH is an intergovernmental organisation of universal nature, acting in the common interest of its currently 83 Members. More than 150 States are currently connected to its work. With its origins going back to 1893, the HCCH can draw on more than 125 years of experience in unifying progressively the rules of private international law through international treaties and legally non-binding instruments.

The HCCH develops these Conventions and instruments to provide those whose lives and activities cross the borders between different legal systems with a high degree of legal certainty and predictability. The HCCH also establishes effective cooperation mechanisms that can overcome the challenges of cross-border procedures and promote the orderly and efficient settlement of disputes, good governance and the rule of law. Moreover, the HCCH delivers high-standard post-Convention services and assistance, including high-quality and readily accessible information, for the benefit of Members (and occasionally non-Members, as appropriate).

The work of the HCCH respects and rests on the diversity of legal systems and traditions, with English and French the HCCH's official languages. Spanish and other languages may be offered as working languages for interpretation and / or translation, if voluntary contributions are available. The HCCH's work covers international family and child protection law, international civil procedure and litigation, as well as international commercial and finance law. It also includes non-normative work in these areas, designed to assist with the implementation and practical operation of its Conventions and instruments. The Work Programme, including the priorities between normative and non-normative work, are determined annually by the Council on General Affairs and Policy.

The HCCH conducts its work to the furthest extent possible based on consensus. Its Secretariat is called the Permanent Bureau; it is based in The Hague and operates a Regional Office for Latin America and the Caribbean (ROLAC) in Buenos Aires, and a Regional Office for Asia and the Pacific (ROAP) in Hong Kong SAR, China.

The Statute and a series of regulations provide the legal framework of the HCCH (Rules of the HCCH) aimed at promoting effectiveness and efficiency and at ensuring transparency. They are geared towards driving diversity and inclusiveness and protecting the Organisation's institutional independence. And they allow the HCCH to respond to an ever-changing environment, amplified by new technologies and digitisation.

1

Strategic Priority 1

Normative work: developing the HCCH's international treaties and legally non-binding instruments comprising uniform rules of private international law

The HCCH develops international treaties and legally non-binding instruments. It aims to establish, and promote the establishment of, uniform rules of private international law, including frameworks that facilitate international judicial and administrative cooperation in civil and commercial matters. The development of Conventions and instruments under its Statute is a unique function and a key strength of the HCCH. It constitutes the HCCH's "normative work".

The context

Lives, transactions and legal proceedings that transcend borders have become commonplace. Growing numbers of people, commercial operators and other private legal entities connect to more than one jurisdiction (cross-border actors). They require different, heightened levels of certainty, predictability and protections and easy access to information about their rights. The HCCH is uniquely placed to deliver effective uniform rules of private international law, including cooperative frameworks, that coordinate between different legal systems, improve good governance and strengthen the rule of law. Yet, greater numbers of cross-border actors and advances in technology and digitisation mean that the rules and frameworks need to respond to progressively more complex scenarios. It also means that the HCCH may need to assess the challenges and benefits such advances could present to supporting the development, implementation, and practical operation, of its instruments. This tests the HCCH's capability to develop innovative and timely binding and non-binding instruments that have a broad acceptance globally.

The HCCH will focus on:

- 1.** Seeing through to completion the priority normative project to adopt in 2019 the HCCH Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.
- 2.** Progressing, at an appropriate and sustainable pace, other current, and any future, normative projects in accordance with the Work Programme and priorities established by the Council on General Affairs and Policy.
- 3.** Continuing to monitor developments, and seeking to identify, including by consulting relevant actors, emerging contemporary challenges where the HCCH's normative work can make a real difference.
- 4.** Considering, where the development of an international treaty is not agreed or is otherwise not appropriate, whether a non-binding instrument (such as a model law or a set of principles), may be a more appropriate alternative.



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Strategic Priority 2

Non-normative work: ensuring the proper, effective and efficient implementation and operation of the HCCH's Conventions and instruments through post-Convention services and assistance

The HCCH provides a wide range of post-Convention services and assistance. These activities are essential to ensuring the proper implementation and operation of existing Conventions and instruments, but also to the promotion of the Organisation. They are referred to as the HCCH's "non-normative work".

The context

The HCCH's post-Convention services focus on promoting, implementing and supporting its existing Conventions and instruments. The HCCH organises Special Commissions on the practical operation of some of its key Conventions and instruments and prepares publications, such as practical handbooks and guides to good practice and other documents that are approved by the Council on General Affairs and Policy. The HCCH further offers, subject to available resources, purpose-built databases, such as INCADAT and INCASTAT, and collaborative platforms. The Organisation uses social media channels to disseminate information and promote its work. Officials, judges and others benefit from the training it provides in the form of dedicated seminars or similar events. In line with the Strategic Framework on post-Convention Assistance, the HCCH can provide high-standard, targeted and tailored technical assistance, either through its Secretariat (Permanent Bureau), external experts or a combination of both, which may include technical advice at the ratification and / or implementation stage in relation to Conventions and Protocols. The HCCH's non-normative work enhances knowledge and expertise, including as to the practical operation of the HCCH instruments. Because the work aims to improve global governance and strengthen the rule of law, it may be connected to the UN Sustainable Development Goals. The HCCH conducts this important work within its existing resources. There is a need to strike appropriate balances, including through prioritisation, that allows the Organisation and its Secretariat to be effective, efficient and responsive to the Members. It is essential to use effective means to convey relevant messages and expertise, and to provide training.

The HCCH will focus on:

- 1.** Further increasing the value of Special Commissions on the practical operation of HCCH Conventions and instruments, including by adding targeted trainings, seminars or bilateral meetings, promoting a flow and exchange of expertise, in the margins of these meetings.
- 2.** Continuing its efforts towards enhancing the effectiveness and geographical scope of its post-Convention services and assistance, paying due attention to regions and interested Member States in need of such services, including in Africa.
- 3.** Partnering with Member States, international organisations and networks to facilitate cooperation in the delivery of post-Convention assistance and the development of technical expertise, including where applicable, at regional level.
- 4.** Developing within existing resources additional promotional and educational videos that can serve as an introduction to its work as well as promotional tools for each of the HCCH's core instruments.
- 5.** Exploring the development and, subject to available resources and demonstrated needs, use of further databases to disseminate targeted information to support the uniform interpretation and operation of the HCCH's core instrument.
- 6.** Developing and, as appropriate, increasing cooperation and partnerships with universities and international organisations to the extent possible to further the goals of the HCCH.
- 7.** Assessing options to develop an E-Learning Platform for the increased remote delivery of post-Convention services and assistance.



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3

Strategic Priority 3

Promoting inclusiveness

The HCCH is an intergovernmental organisation of universal nature. It seeks universality and inclusiveness as parts of its operational strategy.

The context

The HCCH continues to advance towards a universal forum that develops international norms reflective of, and compatible with, a growing number of diverse legal traditions, and to promote and facilitate their implementation. Inclusiveness is paramount to the Organisation's every effort. It stands for the further evolution and improvement as an Organisation. It also stands for its respect of cultural, geographical and substantive legal differences. The HCCH overcomes these differences by building bridges that connect jurisdictions, thus facilitating exchanges and cooperation across the globe. Therefore, as appropriate, the HCCH seeks to further broaden its Membership as well as the number of Parties to HCCH Conventions, encouraging their contributions in a multilateral platform for dialogue, discussion, negotiation and collaboration, including through physical or representative presences in the world's regions. Targeted efforts to include in its work all regions of the world will result in better outcomes. The HCCH works in an environment in which smart and effective strategies will allow to make the best use of existing resources and advance sustainably. The Membership will play an important role in this regard.

The HCCH will focus on:

1. Continuing to promote inclusiveness as one aspect of its operational strategy.
2. Continue cooperation with the UN in line with the relevant UN resolutions concerning cooperation and observer status of the HCCH in the UN General Assembly.
3. Progressing the value proposition to explain why States should become Member States of the HCCH.
4. Encouraging Member States to actively promote the HCCH's Conventions and instruments as part of their national foreign policy and economic development programmes, including at the regional level.
5. Continuing the development of a new procedure for the establishment and operation of Regional Offices in the future.
6. Identifying meetings that, in appropriate circumstances, may be held outside of the Netherlands to increase the active involvement of States and increase their ownership in the work of the HCCH.
7. Exploring options to better integrate new Member States into the Membership.
8. Strengthening already existing, and developing future, co-operation with relevant interlocutors, including with its sister organisations UNCITRAL and UNIDROIT, but also with organisations such as AALCO, ASEAN, AU, CARICOM, CIS, OAS, OHADA, UNICEF, WIPO and the World Bank Group.



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Strategic Priority 4

Governance frameworks and the Permanent Bureau's capacity and capabilities

Robust, best-practice governance frameworks ensure the HCCH's transparent operation under the Organisation's Statute and Rules of the HCCH. With the adequate capacity and capability of the Secretariat (Permanent Bureau), they can deliver efficient, effective and timely results. They also assist with maintaining the independence of the Organisation.

The context

Transparency and openness of the HCCH are central to fostering accountability and promoting trust. They are also key to strengthening a cooperative spirit among its Membership. Existing governance frameworks and Rules of the HCCH need to be evolved and refined constantly. Gaps require identification and then positive action. A highly skilled, motivated, very agile, open workforce in the Permanent Bureau, which is gender balanced and strives for geographic diversity that is reflective of all major legal systems, is vital to achieving the purpose and Strategic Priorities. Medium- and long-term human resource planning, based on fully open and competitive recruitment processes, will contribute significantly to building up and maintaining such a workforce. Efficient and effective work processes and best-practice data management are key to quality, timely outputs and a lasting, accessible corporate memory.

The HCCH will focus on:

1. Continuing to improve governance frameworks and the Rules of the HCCH.
2. Continuing to improve, where appropriate, the Permanent Bureau's reporting and data and information management, including through new technologies, also to promote effective and efficient cooperation with interlocutors.
3. Collaboration within the Permanent Bureau, between the Permanent Bureau and Members and other stakeholders, among the Members, and with other likeminded Organisations.
4. Building and maintaining a highly capable workforce, including through comprehensive human resource planning and, within existing resources, by providing relevant learning opportunities.
5. Maintaining a high-level of capacity within the Permanent Bureau, including through, where necessary, targeted redeployment of staff in line with the HCCH's priorities and needs.
6. Ensuring the timely production of working documents in both French and English.



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Strategic Priority 5

Sustainable funding for the ongoing operation of the HCCH

The HCCH is primarily funded through the annual contributions of its Members and some additional, voluntary contributions provided by various sources. Having access to, and being able to generate, sustainable funding over a long term, and prudent fiscal management of existing resources, is central to ensuring the Organisation's continued success.

The context

The annual Budget comprises Assessed Contributions and provides the set annual financial envelope within which the HCCH, and in particular the Permanent Bureau, conducts its core activities, in response to the Work Programme established by the Council on General Affairs and Policy. The evolution of this envelope depends on the Members' decisions as well as the growth of the Membership. Over the years, the Budget and the work demands have grown at different rates. The growing demand requires a prioritisation of tasks. The HCCH is undertaking efforts to align realistic and responsible budgets with the effective and efficient pursuit of its work and strategic priorities. To support activities that cannot be funded from the Budget, the HCCH may receive, under appropriate circumstances, additional backing in the form of monetary and non-monetary voluntary contributions. These ad hoc payments are provided by Members as well as non-Members, including the private sector. To ensure their sustainability, the diversification of funding sources will be paramount as will be strong financial governance structures that entrench prudent fiscal management.

The HCCH will focus on:

1. Continuing to align the HCCH's work and strategic priorities with the Budget and ensure that the Budget and funding of the Organisation is managed in a responsible and transparent manner.
2. Ascertaining the need for further refining its budgetary policy, while continuing to apply a strict and responsible budget policy.
3. Continuing to explore, and possibly develop, innovative ways to obtain sustainable funding while ensuring appropriate transparency especially in relation to funds received from private contributors.
4. Ascertaining the need for a revised framework for Voluntary Contributions, including rules concerning the origin of the funds and governing conflict of interests.
5. Developing sound measures to safeguard the sustainable funding for existing and possible future Regional Offices, including through a financial model that applies cross-organisationally to all such Offices, including by exploring the extent of the role to be played by host States.



5

Monitoring and evaluation

To ensure the continued currency of the Strategic Plan, its implementation will be monitored and evaluated on an ongoing basis. The Permanent Bureau will report annually to the Council on General Affairs and Policy which will monitor progress against set priorities and objectives. Members may also inform Council on their efforts in relation to these priorities and objectives.

A review of the current Strategic Plan will take place in time before the expiry of this Strategic Plan in 2022.



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