

Council on General Affairs and Policy of the Conference – March 2017

Document	Preliminary Document <input checked="" type="checkbox"/> Procedural Document <input type="checkbox"/> Information Document <input type="checkbox"/>	No 14 of February 2017
Title	The Hague Conference at 125 years – a concept for celebrating the HCCH's Quasiquicentennial Year in 2018	
Author	Permanent Bureau	
Agenda item	Item IV-4	
Mandate(s)		
Objective	To seek approval for a concept to mark the 125 th Anniversary of the HCCH through a series of high profile events, to be held in the course of 2018, as well as strategic initiatives, both aimed to avow and ensure the continued pre-eminence of the HCCH in the area of private international law, and to further strengthen the Organisation's universality.	
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. 12 September 2018 will mark the 125th Anniversary of the convening of the first session of the Hague Conference on Private International Law (HCCH) in The Hague.¹ To mark this significant milestone in the history of the Organisation, the Permanent Bureau (PB) presents the following concept, comprising a series of high profile events to be held, as well as strategic initiatives to be launched, in the course of 2018, the HCCH's Quasiquicentennial Year.

B. Objectives of the Quasiquicentennial Year

2. The Quasiquicentennial Year is not only an occasion to celebrate the HCCH's 125th Anniversary. It likewise provides an opportunity to underline, evaluate and reinforce the Organisation's pre-eminence in the field of private international law. Additionally, and maybe most importantly, it provides the unique opportunity to assess and possibly adjust the Organisation's prospective means and actions in its pursuit of universality as a central tenet of the Organisation's operational strategy.²

3. The PB proposes to pursue these objectives by a number of means, including through:

- high-profile academic and other events for States, private and public national and international institutions, academia and private practice, that showcase and recognise the Organisation's rich history, its important achievements, its outstanding capabilities, and its quintessential importance to the current and future development of private international law.
- the development, refinement and adoption of a bold vision for the future of private international law, including international legal co-operation, through a manifesto on private international law and a related strategic agenda; and
- the launch of a future-oriented strategic initiatives designed to ensure the continuance of the HCCH as the world's foremost legal institution in this-field.

C. Main activities in the Quasiquicentennial Year

4. The following main activities are proposed.

1. Academic event (incl. the "2018 Hague Manifesto on Private International Law")

5. The Academic Event – prospectively a three-day long, high-calibre congress, to be held in the first half of 2018 – should underscore the HCCH's most distinguished role in the development of private international law. A Programme Committee comprising leading private international law experts should oversee the development of the congress programme.³ Leading private international law experts from all geographic regions should be invited to partake in the event as chairs and speakers. The programme, with a combination of plenary and specialised sessions as well as streams covering specific topics, should offer a broad remit, featuring key legal and policy issues. The Academic Event must appeal to politicians, judges, academics, policy makers and private practitioners in equal measures.

¹ Following an initiative by Dutch lawyer and diplomat Tobias M.C. Asser, representatives of 13 European States convened in The Hague from 12 to 24 September 1893, to discuss the development of private international law. They met in the *Trêveszaal* in the *Binnenhof*.

² See "Conclusions and Recommendations of the Council on General Affairs and Policy (15-17 March 2016)", C&R No 5, [hereinafter "C&R of the 2016 Council"], available on the Hague Conference website at < www.hcch.net >, under "Governance" and "Council on General Affairs and Policy. For further information relating to the concept of universality, and its pursuit, see "The Pursuit of Universality as a Strategic Objective of The Hague Conference on Private International Law and Ways to Achieve It", Prel. Doc. No. 1 drawn up by the Permanent Bureau for the attention of the Council of March 2016 on General Affairs and Policy of the Conference, available on the Hague Conference website at < www.hcch.net >, under "Governance" and "Council on General Affairs and Policy.

³ In relation to the Programme Committee, see D.2.

6. The Academic Event should pursue three primary goals. First, to tell the story of the HCCH, showcasing its very broad sphere of activity, and its many great achievements. This is to highlight the Organisation's past and present importance to the development of private international law. Secondly, identify and analyse important future developments that are likely to benefit from the HCCH's expertise and capabilities. This seeks to ensure that the HCCH remains the leading organisation in its field of interest. Thirdly, a well-rounded programme, the attendance of leading experts, and active participation should ensure that the event becomes an important networking platform.

7. The envisaged outcome of the Academic Event should be two-fold. The first outcome is the "2018 Hague Manifesto on Private International Law" (2018 Hague Manifesto). Adopted and issued by the final plenary session, after having been developed by the congress, the 2018 Hague Manifesto would have three purposes. First, be a clear and firm affirmation of the fundamental importance of private international law in a globalised world. Secondly, emphasise the central role the HCCH has fulfilled, fulfils, and will continue to fulfil in this area. Thirdly, become a key element in informing the development of the "Agenda HCCH 150", a central forward-looking initiative designed to set the strategic direction of the HCCH for the next 25 years. The PB suggests to submit the Agenda HCCH 150 to the 2018 Special Meeting of the Council on General Affairs and Policy (2018 S-CGAP) for approval.⁴

8. The second outcome is the publication of the proceedings of this event as a special Quasiquicentennial Volume. The Volume would comprise all papers presented at the Academic Event, possibly augmented by additional contributions. The Volume would present a key private international law publication with currency for many years to come. It would serve as the intellectual underpinning for the 2018 Hague Manifesto, and underscore the HCCH's primacy in the development of private international law and international legal co-operation. The 2018 Hague Manifesto should also be an effective tool to increase the Organisation's overall visibility.

2. September 2018 Events (incl. the adoption of the "Agenda HCCH 150")

9. In September 2018, the PB proposes to hold two major events that would coincide with the 125th Anniversary of the first session of the HCCH: the 2018 S-CGAP, and a Ceremonial Reception and Formal Dinner to mark the 125th Anniversary.

a. The 2018 Special Meeting of the Council on General Affairs and Policy

10. The 2018 S-CGAP would be convened to discharge the Council's usual governance functions. In addition, the 2018 S-CGAP would also have specific strategic significance in that it should be invited to adopt the "Agenda HCCH 150" which, with the pursuit of universality as its core tenet, would give credence to, and draw upon, the 2018 Hague Manifesto. Together, the two documents would aim to ensure that the HCCH remains, and strengthens its global position as, the leading private international law organisation. Moreover, the S-CGAP would also feature items dedicated to celebrating the 125th Anniversary, including commemorative speeches by dignitaries and the Chair of the CGAP, as well as the induction of the HCCH Quasiquicentennial Fellows.⁵

11. The 2018 S-CGAP would be distinct in two different aspects. First, to emphasise the historic importance of the event, it should comprise Ministers and high-level public servants. Preliminary talks with the Dutch Government to issue invitations to Ministers have been initiated.⁶ Secondly, the S-CGAP would officially commemorate the 125th Anniversary of the first Session of the Conference and thus should be held in September 2018 (instead of March 2018).

12. If approved, holding the 2018 S-CGAP in September 2018 will extend the usual annual cycle of CGAP meetings, which currently, in principle, take place annually in March. The PB thus suggests that the 2017 CGAP be asked to approve moving the 2018 S-CGAP to a later date.

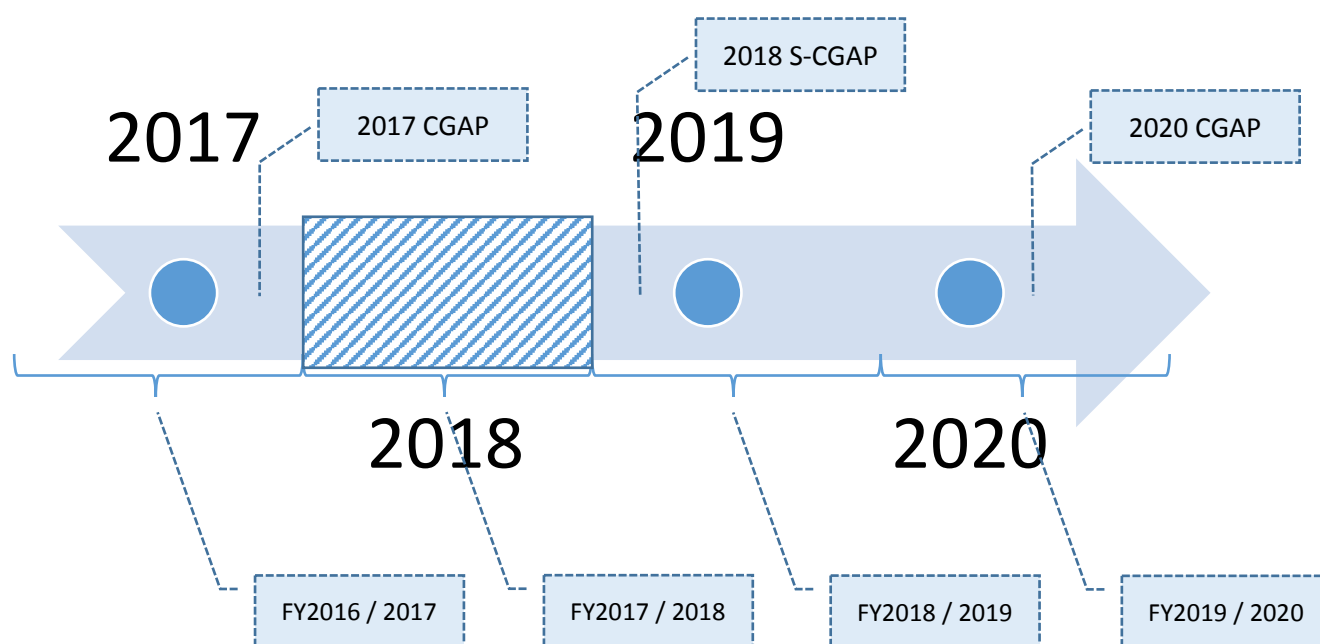
⁴ For more on the Special Meeting of the Council on General Affairs and Policy, see C.2.a.

⁵ For more on the HCCH Fellowship Program, see C.3.

⁶ In 1993, to mark the HCCH's Centennial, the then Minister of Justice of the Netherlands, Mr E. M. H. Hirsch Ballin, issued the invitations to the Ministers of Justice of the Member States to attend the Official Ceremony of that Anniversary. See the Proceedings of the Seventh Session, 10 to 29 May 1993, Tome I, 2nd Part "Centenary", p. 7.

Such a move is compatible with the Statute of the HCCH (Statute). In addition, the 2017 CGAP may also consider whether the CGAP - following the 2018 S-CGAP - should take place in March 2020 instead of in the course of 2019. This would enable a smooth return to the current annual cycle. While such a move would leap one calendar year, moving the CGAP to 2020 is also compatible with the Statute.⁷

13. Moving the date of the 2018 S-CGAP as proposed would not affect the relevant Financial Years (FYs), which would continue to run from 1 July to 30 June of the relevant years. However, as can be discerned from the graphic below, due to the envisaged move, no CGAP would be held in the Financial Year (FY) 2017 / 2018.



14. The move would thus free-up those funds that would otherwise be allocated to organising and conducting a Meeting of the CGAP in March 2018, *i.e.* within the FY 2017-2018. Instead, these funds would become available to fund main and other activities in the Quasiquicentennial Year that take place in the FY 2017-2018.

15. Should the 2017 CGAP agree to move the date for the 2018 S-CGAP, then the Organisation's (final) draft Budget for the FY 2017-2018 will reflect this change, with the funds included in the draft budget for a Council meeting in March 2018 ring-fenced and put aside. As a result, the funds would not be used for anything else nor be regarded as contributing to a possible budget surplus at the end of the FY.

16. While the suggested move would not affect the actual FYs, holding the S-CGAP in September 2018 would, have an impact on the budgetary approval process. This of course should not – and cannot – abrogate the consultation of the CGAP in approving the Budget for FY 2018-2019 as mandated in Article 6 of the Financial Regulations. The PB suggests that the consultation envisaged in Article 6 would take place in written form, following the timelines set out in the Financial Regulations. The meeting of the Council of Diplomatic Representatives would go ahead as scheduled. It is further suggested that the same procedure would apply to the meeting of the CGAP that the PB suggests to leap in 2019.

⁷ Art. 4(1) of the Statute does provide that the CGAPs “shall, *in principle*, be held annually” (*emphasis added*). Skipping a year is expressly contemplated by the provision as a result of the insertion of “in principle”.

b. *The 125th Anniversary ceremonial reception and formal dinner*

17. A reception and formal dinner, complementing the 2018 S-CGAP, should be the solemn ceremony of celebration, commemorating the 125th Anniversary of the first session of the HCCH. The event should feature official remarks offered by selected dignitaries. It should also include musical interludes as part of the reception.

18. Discussions with the Dutch Government to secure the attendance of the King, the Queen or another senior member of the Royal family, will resume shortly. If in attendance, they would be joined by Ministers of the Member States; Heads of Diplomatic Missions; Presidents and Justices of the international courts and tribunals located in The Hague; the Heads of other international organisations based in The Hague; the Secretary Generals of the HCCH's sister organisations, UNIDROIT and UNCITRAL; Ministers, Justices and Senior Officials of the Netherlands; Members of the Standing Government Committee for the Codification of Private International Law; and dignitaries of the City of the Hague, the City of Peace and Justice.⁸

3. 2018 Regional Commemorative Events

19. The Regional Offices of the Permanent Bureau in Argentina and Hong Kong should of course also be involved in the celebrations to commemorate the Organisation's 125th Anniversary for the respective regions (2018 Regional Commemorative Events). These could be stand-alone events, including in cooperation with other regional organisations, or already established events, such as the annual Asia Pacific Week. The 2018 Regional Commemorative Events will dovetail into, and pursue, the same objectives stated in this Preliminary Document, featuring high-profile individuals, speakers and experts, and attracting judges, academic and policy-makers.

4. Other activities (incl. UN Resolution and HCCH Foundation)

20. In addition to the main activities, a range of other activities could further increase the impact the Quasiquicentennial Year has on a global level. They may include:

- seeking a United Nations Security Council or General Assembly Resolution with which the UN recalls and acknowledges the important role the HCCH has played, plays, and will continue to play, in the maintenance of international peace and security. Discussions with the Heads of Diplomatic Missions of the five permanent members of the United Nations Security Council and other interested States in that regard should commence shortly.⁹
- launching a Dutch charitable foundation ("stichting"), established to provide financial support for the work of the HCCH in the future. The foundation should be able to establish recurring contribution arrangements with major contributors, but also to solicit and collect one-off non-earmarked and project-related monetary voluntary contributions that are available to the HCCH to provide a range of relevant services, including implementation assistance, customised trainings and other forms of post-Convention assistance activities.¹⁰ A robust governance structure, including a board of directors and an advisory board, would ensure the effective and efficient use of the funds received by the foundation in line with the strategic priorities of the HCCH.¹¹

⁸ The proposed list of potential attendees drew inspiration from the list of attendees present at the official ceremony of celebration of the Centenary of the Hague Conference which took place on 19 May 1993 in the *Kloosterkerk* in The Hague.

⁹ The five permanent Members of the United Nations Security Council are: the People's Republic of China, France, the Russian Federation, the United Kingdom, and the United States of America.

¹⁰ The HCCH's post-Convention assistance activities are provided in line with the "Strategic Framework for Post-Convention Assistance", drawn up by the Technical Assistance Working Group, available on the HCCH website at < www.hcch.net >, under "Governance" and "Other Governance documents".

¹¹ The foundation will be established as charitable "stichting" under Dutch law. It acquires full legal personality upon execution of a Dutch notarial deed of formation. To qualify as a *stichting*, the entity is required to feature a Foundation Council, a governing structure comprising individuals and / or other entities, which administers the *stichting* and ensures that it carries out its purpose in line with the deed of formation.

- initiating “HCCH Fellows”, comprising three categories of fellowships: Quasquicentennial Fellows (only available in 2018); HCCH Distinguished Fellows and HCCH Fellows. The Quasquicentennial Fellowships, and all future HCCH Distinguished Fellowships are conferred by CGAP. HCCH Fellowships can be conferred by the Secretary General. All Fellowships are awarded, on the basis of merit, to recipients that rendered outstanding services to the Organisation. Potential recipients are assessed against guidelines that consider a range of relevant factors, including academic credentials as well as the degree of services rendered to the Organisation. The fellowships do not carry a financial reward or stipend;
- exploring with key legal bodies, including specialised private international law associations in all regions and jurisdictions (including for example ASADIP, GEDIP); supranational and national bar and law associations (such as the CCBE, IBA, ILA and ASIL); as well as academia, judiciary and private practice, opportunities to co-organise, or co-brand, Hague Conference-specific seminars and conferences globally;
- issuing a special publication that records, and thus perpetuates, all events dedicated to the celebration of the 125th Anniversary of the Organisation.

D. Governance

21. To ensure transparency, inclusiveness, and the highest quality of the main and other activities, the PB suggests putting into place a number of governance measures.

1. Patron and the Board of the Patron

22. It is proposed to select a high-profile Patron for the Quasquicentennial Year. The Patronage would be assumed by a dignitary of considerable standing, possibly a senior member of the Dutch Royal Family, lending name, standing and gravitas to the special Year. He or she would be supported by a small Board of the Patron, comprising representatives of some Member States, well-known members of politics and the diplomatic corps, the law, and other areas, including, for example, UNICEF Ambassadors. The Board Members will lend further gravitas and credence to the HCCH's efforts in the Quasquicentennial Year.

23. It is envisaged that the Patron and the Members of the Board of the Patron would also act as HCCH Ambassadors throughout the year. One key task of the HCCH Ambassadors would be the ongoing promotion of the HCCH and its Quasquicentennial Year. Moreover, both would engage in the solicitation and collection of funds directed towards covering the costs arising out of, or being associated with, the main and other events, as well as the other activities.

2. Programme Committee of the Academic Event

24. The development and implementation of the programme of the Academic Event would be overseen by a Program Committee. It would comprise representatives of some Member States and other eminent private international law experts who can ensure the high calibre of the event. The Programme Committee would be assisted by project support to drive the organisation of the event and to monitor costs.

E. Communication and Promotion of the Quasquicentennial Year

25. The significance of the HCCH's Quasquicentennial Year would be amplified through dedicated branding and messaging. This should include a special Anniversary logo and slogan which would be used in all communications to promote the Quasquicentennial Year. The Design Academy Eindhoven (DAE) currently assists with developing this branding, and with studying messaging and message impact optimisation.¹²

¹² The DAE is a global leader in developing innovative and design directed approaches (<<https://www.designacademy.nl/>>. Thanks to the support of the Municipality of The Hague, the PB has been able to gain the support of the DAE at a very competitive price.

26. In addition, thought is given to the development of a comprehensive communication strategy. This may include the establishment of a dedicated website for the Quasquicentennial Year, containing all relevant information for the main and other activities and events, and ways to bolster social media uptake, including through messages, content and the use of hashtags. In combination with its offer to develop branding and messaging, the DAE has also provided a competitive offer in this regard. It is likely that a comprehensive communication strategy would have considerable flow-on effects, providing lasting communication tools that can ensure improved, more effective communication by the PB post-2018.

F. Funding of the Main and other Activities

27. So that the main and other activities are befitting the occasion, it will be necessary to fund them adequately. Some funding would come in the form of staff of the PB dedicated to the organisation of the activities. Moreover, changing the date for the S-CGAP would free-up funds that could be used to organise at least some of the activities in the first half of the Quasquicentennial Year.¹³ It should also be possible to defray some costs through co-operation with partners and by engaging student volunteers. However, there is no doubt that significant additional funding will be required to ensure overall commercial viability of the Quasquicentennial Year. The PB has started to develop a broad funding strategy (which ties in closely with the branding and messaging efforts outlined under Item E).

28. The Permanent Bureau has already approached the Dutch Government to seek its financial support, especially with respect to the September events.¹⁴ In addition, funding may be sourced from both Members and private entities, including law firms, who should be approached to seek non-earmarked and project-related funding as well as non-monetary contributions. Moreover, the Permanent Bureau will pursue the commercialisation of key events. Options include, for example, the selling of registrations for the participation in the Academic Event,¹⁵ but also of tailored sponsor packages as well the sale of naming rights for sessions and receptions.

29. All non-monetary and monetary contributions would be recognised as record in a Quasquicentennial Year Honour Roll.

G. Conclusion

30. The 125th Anniversary of the HCCH provides the Organisation with an exceptional opportunity to showcase and emphasise its leadership in the area of private international law and legal co-operation. In addition, it also provides numerous occasions to magnify the HCCH's visibility, and to advance significantly the Organisation's pursuit of universality as one of its core strategic directions.

31. This Preliminary Document introduces a concept, designed to exploit these opportunities and occasions. It proposes activities that carefully balance measures that can maximise these activities' impact with solutions that should ensure the availability of sustainable resources at the disposal of the Permanent Bureau. On this basis, the Council on General affairs and Policy is asked to:

- Approve the concept as outlined above;
- Approve the holding of the 2018 Meeting of the Council on General Affairs and Policy in September 2018 (exact days to be confirmed) instead of March 2018;

¹³ See the diagram and associated explanation at C.2.a).

¹⁴ See at C.2.a) to c).

¹⁵ Prices for registration would be tiered, with concessional arrangements for students, as well as young academics and practitioners. A contingent of free tickets would be reserved for dignitaries as well as volunteers. A registration system such as Eventbrite would be used to manage the ticketing.

- Take note that, if the change of date for the 2018 Meeting of the Council on General Affairs and Policy is approved, then the Organisation's draft Budget for the FY 2017-2018 will reflect this change, with the funds:
 - included in the draft Budget for a Council meeting in March 2018 ring-fenced and put aside; and
 - not be used for anything else, and not be regarded as contributing to a possible budget surplus at the end of the FY.
- Approve that the Council on General Affairs and Policy be consulted in writing only during budgetary discussions for FY 2018-2019 and 2019-2020 (it being understood that the Standing Committee of the Council of Diplomatic Representatives and the Council of Diplomatic Representatives would meet as planned);
- Approve that there be no Council meeting in 2019 and that the first Council meeting following the Quasiquicentennial Year would be held in March 2020.