

Commission I on General Affairs and Policy
held on 22-24 April 2002
(Summary prepared by the Permanent Bureau)

1. From 22-24 April 2002 the Hague Conference on private international law met in Commission I on General Affairs and Policy of the Conference in the Nineteenth Diplomatic Session at the Peace Palace in the Hague. The meeting was convened in order to decide upon the future work programme of the Conference.

2. With regard to the project of elaborating a Convention on Jurisdiction, Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters (the Judgments Project), the delegations unanimously reconfirmed the great importance they attach to harmonising rules on jurisdiction, recognition and enforcement of judgments in civil and commercial matters on a worldwide basis. The delegations encouraged the Conference to continue to pursue common solutions for these issues in the area of private international law, especially given the increasing need for finding solutions in this difficult arena.

3. The Commission agreed that the best path forward on the Judgments Project at this point would be to have the Secretariat convene an informal working group and facilitate and conduct a transparent and flexible working process with a view to preparing a text to be submitted to a Special Commission during the first half of 2003. The Special Commission would then be followed by a Diplomatic Conference which would be held, if possible, by the end of 2003. Based on a paper to be prepared by the Permanent Bureau, the starting point for this informal process will be a discussion of a core area of possible grounds of jurisdiction as tentatively identified by the Commission, as well as the existing provisions on recognition and enforcement upon which there is broad agreement. This core area might include choice of court agreements, defendant's forum, counter-claims, branches, submission, trusts and physical injury torts.

4. With regard to the work being done on the law applicable to certain rights in respect of securities held with an intermediary, the delegates unanimously commended the project for the progress achieved thus far and for the flexible working methods employed. The Commission decided that the preparation of the convention would be finalised on the basis of the working methods currently being utilised and in support of this process, a series of Regional Discussion Workshops will be held in different parts of the world during the upcoming Northern Hemisphere summer. The fast track procedure adopted for this project could be completed, in principle, without the need for another Special Commission. The envisaged Diplomatic Conference to adopt the final text of the Convention will be the second and final part of the Nineteenth Session which was started in June 2001. The Diplomatic Conference will take place, if possible, before the end of 2002.

5. With regard to the Hague Convention of 1980 on International Child Abduction, the Commission agreed that the Permanent Bureau should convene a Special Commission in September/October 2002 to follow-up on matters arising from the Fourth Meeting of the Special Commission to Review the Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, which was held in March 2001. The principal item on the agenda of this

meeting will be to consider, with a view to approving, the first two sections of a Guide to Good Practice, which deal with the practice of Central Authorities and implementing measures. In addition, there will be an initial discussion of the Permanent Bureau's final report on Transfrontier Access/Contact, as well as a report on direct international judicial communications in the context of the 1980 Convention. Finally, the Commission agreed that every effort should be taken to make the preliminary documents available not only in the official working languages of the Conference, English and French, but also in Spanish and to provide simultaneous interpretation into Spanish at the Special Commission.

6. With regard to the drawing-up of a new comprehensive global convention on maintenance obligations including the recovery of child support payments, the Commission re-affirmed the importance and priority of this work, which would improve the existing Hague Conventions on this matter and include rules on judicial and administrative co-operation. The Commission stressed the importance of ensuring that the process is inclusive, providing, if possible, Spanish translations of key documents and simultaneous interpretation into Spanish at plenary meetings.

7. With regard to the Conventions on judicial and administrative co-operation, the Commission unanimously agreed that the Permanent Bureau should convene a Special Commission to study the practical operation of the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, in light of the impact of electronic data interchange and other means of communications on these Conventions. The Commission further invited the Permanent Bureau to study the practical operation of the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents in light of electronic data interchange and other means of communications and with a view to assessing the need and possibility of developing a legal framework for an electronic register and an electronic *apostille*.

8. Following a presentation by the Permanent Bureau of a Strategic Plan for the future of the Hague Conference, the Commission indicated its support in general terms for the ideas expressed in the Plan. In particular, the Commission concurred with the Plan's proposal that decisions made on the programming of the Conference be linked to the budget decisions made by the Council of Diplomatic Representatives. The Commission agreed that the implementation of the Strategic Plan should be reviewed on a regular basis by the organs responsible for General Affairs and Policy and that the Strategic Plan itself be reviewed as a whole on a four-year basis, depending on the outcome of the regular reviews of its implementation.

For further information, please contact the following persons at the Permanent Bureau:

- ?? *Ms Andrea Schulz, First Secretary, for items 2 and 3 (judgments);*
- ?? *Mr Christophe Bernasconi, First Secretary, for items 4 (securities) and 7 (judicial and administrative co-operation);*
- ?? *Mr William Duncan, Deputy Secretary General, for items 5 and 6 (child abduction and maintenance);*
- ?? *Mr Philippe Lortie, First Secretary, for item 8 (strategic plan).*

