



First Gulf Judicial Seminar on Cross-Frontier Legal Co-operation in Civil and Commercial Matters Qatar, Doha – 20 to 22 June 2011

CONCLUSIONS & RECOMMENDATIONS

From 20 to 22 June 2011, approximately 80 participants from Member States of the Gulf Cooperation Council (GCC) – Kuwait, Qatar, Saudi Arabia, the United Arab Emirates and Oman (Bahrain was excused) – including Ministry officials, academics, professionals, as well as members of the Permanent Bureau of the Hague Conference on Private International Law (the Hague Conference), met in Doha, Qatar, to discuss the relevance and possible implementation of some of the Conventions adopted under the auspices of the Hague Conference (the Conventions) within the GCC Region (the Region) in the areas of child protection, as well as legal co-operation and litigation. The Conventions discussed included those of 1980 on Child Abduction, of 1996 on Protection of Children, of 2007 on International Child Support (Maintenance Convention), of 1965 on Service of Process Abroad, of 1970 on Taking of Evidence Abroad, of 1980 on Access to Justice, of 1971 on the Recognition and Enforcement of Judgments, of 2005 on Choice of Court Agreements, and of 1961 on the Abolition of Legalisation for Foreign Public Documents (Apostille Convention).

The participants thanked His Highness Sheikh Hamad Bin Khalifa Al Thani, the Emir of the State of Qatar, His Highness Sheikh Tameem Bin Hamd Al Than, Heir Apparent, His Excellency Sheikh Hamad Bin Jassem Bin Jabor Al Thani, the Prime Minister and Foreign Minister of Qatar, His Excellency Mr Hassan Bin Abdulla Al Ghanim, the Minister of Justice of Qatar, His Excellency Dr Abdullatif Al Zayani, the Secretary General of the Gulf Cooperation Council, as well as the Ministry of Justice of Qatar for the generous hospitality and superb organisation of the seminar, and unanimously adopted the following Conclusions & Recommendations:

1. The participants agreed that the Seminar had provided an excellent opportunity for them to:
 - i. gain a better understanding of the great potential value of the Conventions for the Region;
 - ii. understand the need for sound implementation of the

- Conventions in the context of the legal systems in the Region;
- iii. appreciate the role of the Conventions as an important basis for furthering international co-operation among different legal systems around the globe; and
 - iv. understand the role and possibilities of the Permanent Bureau in providing support and technical assistance to States which request it.
2. The participants reviewed the Conventions and suggested further research into possible implementation of the Conventions with a view to considering becoming Contracting States to these Conventions. The participants also agreed to study possibilities for the GCC States to become Members of the Hague Conference, with a view in particular to participating in negotiations of future Conventions and attending Special Commission meetings on the practical operation of existing Conventions.
 3. The participants suggested that, in a first stage, the 1961 Apostille and the 1996 Protection of Children Conventions may offer particular advantages to be considered for accession and ratification. Participants also suggested that States that are not yet party to the Conventions should seek to benefit from the experience of States that are already party to Conventions, such as Kuwait (1965 Service and 1970 Evidence Conventions, and 1971 Recognition of Judgments Convention) and Oman (1961 Apostille Convention).
 4. The participants emphasised the importance of training and information sessions for judges, lawyers, government officials and professionals in order to secure the effective implementation and practical operation of the Conventions, in co-operation with the Permanent Bureau's International Centre for Judicial Studies and Technical Assistance, and the relevant national, regional and international bodies including non-governmental organisations.
 5. The participants agreed that the awareness of the Conventions within GCC States should be increased. Participants agreed to explore further the possibility of establishing a dialogue within the GCC States and between the GCC States and States Parties to the Conventions.
 6. Specifically in relation to the following Conventions, the participants acknowledged:

Part One: Hague Legal Co-operation and Litigation Conventions

1961 Apostille Convention

- A. the great success of the Apostille Convention in creating a globally-recognised method of authenticating the origin of public documents executed in one Contracting State and to be produced in another Contracting State, and its advantages for private individuals and commercial entities in their cross-border activities and for cross-border trade and investment (as recognised by the World Bank);
- B. the potential merits of the use of the Apostille system in the Region;

- C. the benefits and greater use of technology in the implementation and operation of the Apostille Convention, in particular through the electronic Apostille Pilot Program (e-APP);

1965 Service Convention and 1970 Evidence Convention

- A. the benefits of these Conventions as essential tools for international judicial co-operation and cross-border litigation, in particular by providing effective channels for service and taking of evidence abroad, while not impacting on the domestic laws of Contracting States and preserving the applicability of existing or future bilateral or regional treaties in these matters;
- B. the advantages of greater use of technology (such as video-conferencing) in the implementation and operation of the Evidence Convention;

1980 Access to Justice Convention

- A. the necessity to study the potential benefits of the Access to Justice Convention in the States of the Region;

2005 Choice of Court Convention

- A. the necessity to study the benefits of predictability and legal certainty provided by the 2005 Convention on Choice of Court Agreements and its resulting advantages for cross-border trade and investment, as well as the potential merits of acceding to the 2005 Convention as an instrument to consolidate the international litigation system, in parallel to the international arbitration system, in particular the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards;

Recognition and Enforcement of Judgments

- A. the importance of harmonised rules for the recognition and enforcement of foreign judgments at the regional and global level, and in particular the possibility of GCC States engaging in the ongoing work of the Hague Conference in this area;

Part Two: Hague International Child Protection Conventions

- A. that the 1980, the 1996 and the 2007 Conventions implement the principles set out or implicit in the United Nations Convention on the Rights of the Child of 1989, such as:
 - i. the best interests of the child as a primary consideration in all actions concerning children;
 - ii. the right of a child whose parents reside in different States to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents; and
 - iii. the opportunity for a child to learn, to know and respect the culture and traditions of both parents;

all of which are underlying principles of *sharia* law.

1980 Child Abduction Convention and 1996 Protection of Children Convention

- A. the use of the 1980 Child Abduction Convention in providing a structure to support family relationships, by providing a civil, non-criminal procedure to return a child to his or her habitual residence when taken by a parent or a custodian;
- B. the value of the 1996 Protection of Children Convention in providing protection for vulnerable children in cross-border contexts and in supplementing and supporting the 1980 Convention;
- C. the potential merits of establishing focal points in each GCC State to co-operate with each other and with Central Authorities established under the 1980 and 1996 Conventions;

2007 Maintenance Convention

- A. the importance of the Maintenance Convention for families and children in the Region, and worldwide.

Follow-up

- 7. The participants further agreed:
 - A. to explore possibilities of providing a translation in Arabic of all the Hague Conventions and related documents, such as Explanatory Reports, and of the full Hague Conference website; and
 - B. to share the information and other benefits obtained from the Seminar with the responsible bodies and authorities in the relevant States.
- 8. The Participants recommended that such a seminar be held every two years, possibly in a different State on a rotating basis, in co-ordination with the GCC Secretariat.

Doha, 22 June 2011