

**GENERAL COOPERATION AGREEMENT BETWEEN  
THE INTER-AMERICAN CHILDREN'S INSTITUTE AND  
THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW**

**The Inter-American Children's Institute** (hereinafter "IIN") based in Montevideo, Uruguay represented by Juan Manuel Jiménez, Officer in charge of the Office of the IIN, and acting ad referendum of the Directing Council of the IIN, and **The Hague Conference on Private International Law** (hereinafter "HCCH") based at The Hague, The Netherlands represented by its Secretary General, Hans van Loon, hereby agree on the following:

**WHEREAS:**

1. The IIN is a Specialized Organization of the Organization of American States (hereinafter "OAS") that was created through a resolution adopted by the Fourth Pan American Child Congress and formally established in 1927 for the purpose of promoting cooperation programs among the countries in the Americas aimed at improving, *inter alia*, the situation for children and families in development issues and in social, cultural, and legal areas;

The IIN has assigned priority to the search for effective solutions to problems affecting children as well as to monitoring compliance with and implementation and operation of international instruments on private international law in both the inter-American and global systems with the cooperation of the OAS Member States and society at large;

Since its inception the IIN has provided training, technical and legal cooperation and information, raised awareness and supported judicial cooperation, on child-related issues in the Hemisphere, while developing joint activities with other organizations within the inter-American system, at the global level, and with public and private institutions.

2. The HCCH is a global intergovernmental organization with currently 65 Member States from all continents. Its origin goes back to 1893. It was established as a permanent organization in 1955. HCCH's mandate is to harmonize private international law rules and to promote cross-border cooperation among courts and administrative authorities at the global level through the preparation, negotiation and adoption of multilateral legal instruments in the field of private international law;

The Secretariat of HCCH (the "Permanent Bureau") is charged with monitoring and supporting the functioning of Hague Conventions in cooperation with HCCH Member States, States Parties to the Conventions and other international organizations such as IIN. A significant number of Latin American States are either HCCH Member States or are Party to one or more Hague Children's Conventions. HCCH has developed a unique system of post-Convention services to monitor the operation of the Hague Children's Conventions, to assist Contracting States with their effective implementation and to promote consistency and the adoption of good practices in the daily operation of the Conventions. Some techniques include the development of Guides to Good Practice to implement the Conventions, legal and technical electronic databases, judicial publications, and maintaining and developing governmental and judicial networks;

The Hague Special Program for Latin American States has been established with a view to reinforcing the operation of the Hague Conventions and related instruments in the region, and promoting the participation of Latin American States in the work of the Hague Conference.

3. Since 1985 the IIN has provided the countries in the inter-American system with intensive technical assistance to promote children's rights as well as to foster Inter-American conferences on private international law and the implementation of legal provisions ensuring the rights provided for in private international law instruments emanating from the OAS and HCCH;

There is evidence of both the interest in and the need for strengthening of networks in order to enhance activities related to private international law in the Americas, as well as to reinforce the training of professionals working in various child-related areas;

Both Organizations acknowledge the need for and common interest in developing joint action areas in the field of human resources and capacity building of legal practitioners, judges, government officers and Central Authorities on international child protection. It is recognized that joint actions should also promote mutual cooperation and technical assistance to countries in the Americas, within the framework of the promotion of children's rights as provided for in private international law instruments emanating from the OAS and HCCH;

The IIN has the capacity to sign agreements for the execution of technical assistance projects subject to the rules, resolutions, executive orders, regulations, and operational procedures provided for in its Statute and adopted by the Directing Council of the IIN.

## **THE PARTIES AGREE:**

### **ARTICLE I** **PURPOSE**

The purpose of this Agreement is to establish the framework for the achievement of the following objectives:

- a. Developing cooperation for the exchange and dissemination of information, knowledge and research on child-related matters in order to contribute to a more effective and operational enforcement of international programs and instruments of private international law emanating from the OAS and HCCH;
- b. Coordinating the planning and implementation of activities relating to the training of professionals, legal practitioners, judges, government officers and Central Authorities on international child protection. Coordinating mutual cooperation and technical assistance programs in countries in the Americas;
- c. Consulting in relation to the implementation of activities concerning the Inter-American Program of Cooperation to Prevent and Remedy Cases of international Abduction of Children by one of their Parents, which may be implemented by means of specific memoranda of understanding;
- d. Consulting on the implementation of activities relating to the mission and objectives of HCCH in the context of the Americas in so far as are consistent with the IIN mission, and
- e. Developing specific projects in these and other areas of common interest for both Parties.

### **ARTICLE II** **COOPERATION AREAS**

The PARTIES agree to work jointly on the following areas of cooperation:

- a. Training of professionals involved in international child care and protection, including judges, legal practitioners, social workers, and capacity building in relation to the institutions concerned with international child protection;
- b. Development of joint research in respect of child related matters;
- c. Collection, production, dissemination and promotion of information on the issues provided for in this Agreement;
- d. Implementation of pilot programs in the specific areas provided for in this Agreement.

### **ARTICLE III**

#### **MODES OF COOPERATION**

In order to implement the cooperation provided for in Article II the PARTIES may use various methods according to their missions and taking into account their resources, and giving due consideration to the following:

- a. Joint or individual cooperation and technical advice in the design and implementation of projects or activities;
- b. Coordination of activities through missions, and electronic and other forms of communication as appropriate;
- c. Dissemination of information on the issues provided for in this Agreement;
- d. Mutual cooperation regarding human and financial resources by means of expert exchange or funding aimed at fulfilling the objectives of this Agreement.

### **ARTICLE IV**

#### **EXECUTION OF THE AGREEMENT**

As far as possible and deemed necessary, in implementing this Agreement the PARTIES will adhere to the following guidelines:

- a) The highest ranking officers of each PARTY or whoever they appoint to represent them will keep in regular contact;
- b) Bearing in mind Article I, paragraph *b)* and Article III, paragraph *d)* the execution of specific projects will be governed by means of Memoranda of Understanding that in each case should provide for the objectives; activities; forms of participation; obligations of the Parties; technical, financial, and human resource contributions; budget and funding, including any relevant overhead administrative and technical costs, as well as any other relevant elements to ensure the normal and adequate compliance with the terms agreed upon. These Memoranda of Understanding will be signed by the Director General of the IIN on behalf of the IIN and will not be subject to prior approval by the Directing Council of the IIN; and by the Secretary General of HCCH on behalf of HCCH;

### **ARTICLE V**

#### **AMENDMENTS**

The PARTIES may amend, by common agreement and in writing, the provisions contained in this Agreement.

### **ARTICLE VI**

#### **VALIDITY AND DURATION**

This Agreement will become effective upon signature by both PARTIES and will have an indefinite duration. Nevertheless, any PARTY may terminate it by giving notice without need of explaining its reasons to the other PARTY. This termination will become effective six months after receiving receipt of such notice. The termination of this Agreement will not affect the development and completion of projects underway.

**ARTICLE VII**  
**SETTLEMENT OF DISPUTES – PRIVILEGES AND IMMUNITIES**

The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of, or relating to this Agreement. If such any such dispute, controversy or claim between the parties arising out of or relating to this Agreement can not be settled amicably, the Parties will resolve their controversy through a mutually agreed alternative dispute resolution form.

Nothing contained in this Agreement shall be deemed a waiver, express or implied, of any immunity from suit, judicial process, confiscation, taxation, or other immunity or privilege which the Parties may enjoy, whether pursuant to treaty, convention, law, order or decree of an international or national character or otherwise, or in accordance with international customary law.

IN WITNESS THEREOF, the representatives of both PARTIES, duly authorized for such purpose, hereby sign this Agreement in four equally authentic copies, in the city of Montevideo, Uruguay, on the 11 day of June, 2006.

ON BEHALF OF THE IIN

ON BEHALF OF HCCH

Juan Manuel Jiménez  
Officer in charge of the Office of the IIN

Hans van Loon  
Secretary General