



Words of Welcome

By Hans van Loon
Secretary General of the Hague Conference

on the occasion of the
Centennial (1904-2004) of the participation of Japan
in the Hague Conference on Private International Law

23 September 2004

Excellencies, ladies and gentlemen,

May I, first of all, thank You Mr Ambassador, and Mrs Koike, for having so graciously accepted to co-host this reception. On behalf of the Hague Conference, it is both an honour and a great pleasure for me to welcome you all and to extend a very special welcome to our Japanese guests.

This year, both at The Hague and in Tokyo, we are celebrating a remarkable anniversary: the centennial of the participation of Japan in the Hague Conference. In the spring of 1904, Japan sent a delegate to The Hague for the first time to take part in negotiations at the Fourth Session of the Hague Conference. The success of the three previous Sessions of the Conference – held in 1893, 1894 and 1900 – had not gone unnoticed in Japan. In fact, during that same period, Japan had itself undertaken a major reform of its legal system, including the enactment of a Code on private international law in 1898. This gave Japan a unique position in Asia and nourished the desire to play its role in the exciting multilateral legislative efforts that had started at The Hague.

From the perspective of the Hague Conference, I believe there are at least three reasons why this first participation of Japan in the work of our Organisation was so remarkable and deserves to be commemorated in this anniversary year.

First, by sending a delegation to The Hague, Japan made a truly pioneering step. Until the Fourth Session in 1904, only European States had participated in the Hague negotiations. Indeed, for many years after 1904 Japan was to remain in this unique position. Even in 1955, when the Conference acquired permanent status, Japan was the only non-European State to co-found the new structure for the Organisation. In fact, it was almost 60 years

after the 1904 Session before other countries from other continents joined the Conference! This shows remarkable perseverance as well as an outstandingly strong belief in the mission of the Conference and in the importance of a role in that mission for Japan.

The second reason why this event is so remarkable is that Japan's early participation both reinforced and provided justification for the Conference's aspiration to draw up conventions at a universal level. This was stated by Mr Djosaburu Kawamura, Director General of the Civil Affairs Bureau of the Ministry of Justice in Tokyo, who – lonely and courageous man! – represented Japan by himself at the 1904 Session. On behalf of his Government, Mr Kawamura let it be known that Japan felt the work of the Hague Conference was to be regarded as "*consacrant les principes universels de droit international privé*". He pointed out that the relations between Western European countries and Japan were intensifying and it was therefore important that the Hague Conventions would also apply to Japan. He emphasised that there were no major obstacles standing in the way of their application (either in Japan or, for that matter, in Europe), despite some particularities of Japanese law.

This brings me now to the third reason why Japan's first participation was so remarkable. It is very interesting to see how, in its Memorandum to the Fourth Session, Japan made a plea for understanding of certain characteristics of its laws, in particular those in the field of family law, which differed from those common in Western Europe. It was emphasised that these differences should not be exaggerated – they should, above all, be seriously studied and compared. Thus, in a very subtle way, the Memorandum made an early call for both the need to respect cultural diversity and for comparative work and dialogue, while striving for universally applicable rules. This has certainly remained a major challenge for the work of the Hague Conference and one where our Organisation has, and will continue to have, a very special role as a builder of bridges between different legal cultures.

It would be quite impossible, and indeed presumptuous of me, to attempt to describe Japan's involvement in the Hague Conference over the past century. The list alone of Japanese experts and delegates who have made the long trip to The Hague, sometimes several times a year, includes many dozens of names –among them some of the most prominent lawyers of Japan. As the Conference has further expanded, Japan's role has become even more important. Both for our latest Convention – the Hague Securities Convention – and for our current negotiations on a new Convention on Choice of Forum Agreements, we are privileged to have Japanese Rapporteurs: Professors Kanda and Dogauchi. The Japanese Government has also made it possible to hold workshops in Japan in order to prepare for the Securities Convention and will be generously contributing to the commemoration in Tokyo of Japan's first participation in the Hague

Conference in three weeks' time. We are also fortunate to have with us at the Permanent Bureau a brilliant young professor from Sendai, Yuko Nishitani, who has brought us her many scholarly talents in addition to her charming presence. I should also not forget a special mention of the support offered at all times to the Permanent Bureau by the Japanese Embassy. "Faithfulness", "consistent presence" and "unfailing support" are words that indeed characterise, but which are simply insufficient to fully describe Japan's involvement in the Conference over the last one hundred years.

So it is with immense gratitude, Mr Ambassador, that we celebrate this historic mark of a long-standing close relationship. At the same time we look forward with confidence and anticipation to the next hundred years. The process of growing interconnectedness between societies worldwide is inevitable – and will eventually bring us close to a one-world society. But no birth comes without pain. For the rapidly expanding range of cases involving private international law, it will come with insecurity, risk and injustice – unless there is a firm resolve to apply and further develop the instruments needed in response to these issues, which include the Hague Conventions, with full sensitivity to the concerns of all legal cultures. Japan and the Hague Conference share a historical mission: to show leadership in providing these indispensable tools for legal co-ordination and co-operation and so help to bring light where otherwise legal darkness might prevail.

Ex Oriente Lux! Hi wa higashi kara noboru!