

Welcome Speech by Ambassador Koike
at a Reception Commemorating the Centennial of the
Participation of Japan in the Hague Conference on Private International
Law (HCCH)

Thursday, 23 September, 2004

Excellencies, Ladies and Gentlemen,

It is my great pleasure and honour to host today, together with Mr van Loon, the centennial of Japan's participation to the Hague Conference on Private International Law and to have this opportunity to say a few words of welcome. Mr van Loon and I decided to host this reception together to commemorate the 100th anniversary. Mr van Loon just spoke on the long and constructive relationship between Japan and the Hague Conference. On my part, I would like to offer the Japanese perspective and express the hope that many countries, which hitherto have not participated in the Hague Conference, will do so.

As Mr van Loon touched upon, it was on the 16th of May 1904 that the first Japanese delegate, Dr Kawamura, attended the 4th Session of the Hague Conference. At that time, Japan had just completed and modernised its major reform of laws and its legal system under strong influence from Continental Europe. After Japan had opened its doors to the world in 1854, Japan experienced a rapid increase of trade with foreign nations and interchange of people from abroad. The participation in the Hague Conference was, therefore, of great importance for Japan not only to be admitted as a nation with a modern legal system but also to equip itself with a sound legal infrastructure for international transactions and family relationships. Furthermore, what is remarkable is the fact that, from the start, the Japanese pursued the involvement in the global unification of the rules of private international law; Dr Yamada, a distinguished academic in 1905 wrote, "Japan must join in the Hague Conference so as to participate in the unification project of rules on private international law."

The expectations of the Hague Conference have never been betrayed. As of today, the Conference has conducted 35 conventions since the end of World War II. These conventions consist of three pillars, international family law, international commercial law and cross-border judicial co-operation. They gained even greater importance due to the recent increase of cross-border transactions and international family relationships; in

other word, globalisation. As Mr van Loon suggested earlier, family law is deeply rooted in the culture of its society. It is also the case in Japan especially 100 years ago. Then the only practical way to overcome the difference of laws was to establish neutral international rules on applicable law. It is the Hague Conference that can achieve this task and the Conference has been actively working on new conventions taking into account the changes in society. The thrust of globalisation and the IT revolution both enhance the new challenges to international commercial law and judicial co-operation, the other two pillars of the Hague Conventions. The Hague Conference is now working on the Foreign Judgement Project to create a new judicial co-operation system for business transactions. This project illustrates that the more globalisation accelerates, the higher the expectations of the Hague Conference; this has been proven by the 100-year history and everyone agrees that the Conference plays a pivotal role as a global institution representing the majority of jurisdictions of the world, including Japan.

All the efforts and historical expertise of the Hague Conference have contributed not only to the mandate of the Conference, “the progressive unification of the rules of private international law”, but also to the renovation of the rules on private international law in each nation. Japan is no exception in this regard. The Japanese Government is working towards an overall review and revision of its “Code of Private International Law” so that the Code would be a useful and meaningful judicial tool in the era of globalisation. The knowledge accumulated from the Hague Conventions and the experience of the negotiations on those Conventions is extremely beneficial to the ongoing project of the revision, and the progress so far would have been difficult without the contributions from the Hague Conference. I am happy to say that the fruits of the Hague Conference, the “universal principles of private international law” (*“consacrant les principes universels de droit international privé”*), are intensively studied and reflected in the process of the revision of the Japanese Code of Private International Law.

The 21st Century brought an unprecedented increase of cross-border transactions and international family relationships. In the light of these developments, I believe, the importance of the Hague Conference continues to rise accordingly. I hope and believe the amicable relationship between the Hague Conference and Japan will continue for the next 100 years to come and it is my sincere wish many other friends will join in this common endeavour. *Noster Amicitiae causa!*

Thank you very much.