

**REPORT OF THE ACTIVITIES OF THE REGIONAL OFFICES IN
LATIN AMERICA AND THE ASIA PACIFIC**

drawn up by the Permanent Bureau

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**RAPPORT SUR LES ACTIVITÉS DES BUREAUX RÉGIONAUX
AMÉRIQUE LATINE ET ASIE PACIFIQUE**

établi par le Bureau Permanent

(DISPONIBLE EN ANGLAIS UNIQUEMENT)

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of the Council of March 2015 on General Affairs and Policy of the Conference*

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du Conseil de mars 2015 sur les affaires générales et la politique de la Conférence*

Introduction

1. The Hague Conference on Private International Law (Hague Conference) has established presences in – currently – two regions: Latin America (Buenos Aires, Argentina) and the Asia Pacific (Hong Kong SAR, People's Republic of China). This regional presence aims to increase the visibility of the Organisation, its Conventions and other instruments, and to improve the effective operation of its Conventions and instruments throughout the targeted regions. The offices do so by a range of means, including by providing the regions with greater access to, knowledge of, and support for, the work of the Hague Conference.

2. As extensions of the Permanent Bureau, the Regional Offices spearhead the Hague Conference's regionalisation. This regionalisation, which is consistent with the Hague Conference's 2002 Strategic Plan (as updated periodically),¹ generates benefits for the Organisation, States and the regions. For example, it allows the Organisation to:

- respond effectively to the needs and priorities of States within a region;
- make decisions, including with respect to its work programme, which are informed by the regions and are thus truly global; and
- grow effectively and efficiently the geographical reach of its multilateral instruments.

3. The latter point also provides benefits for States joining Hague Conventions and instruments. For example, States that join these existing multilateral regimes do so efficiently and cost-effectively and without the need to negotiate a multitude of bilateral agreements. Moreover, the many stakeholders in the regions, including government officials, judges, practitioners and academics, also benefit directly and indirectly from the Regional Offices' specific services. These services include to:

- encourage and facilitate engagement of regional actors and States in the work of the Hague Conference;
- respond to requests for information regarding the work of the Hague Conference and its Conventions;
- encourage and facilitate networking among regional actors – including National Organs, Central and Competent Authorities, other operators of the Hague Conventions, members of the International Hague Network of Judges, international organisations, practitioners and the academic sector;
- facilitate the accessibility of relevant information to actors in the regions;
- promote knowledge of, and best practices under, the Hague Conventions;
- gather information, and conduct research, in and for the region in accordance with the work programme of the Permanent Bureau;
- assist with the development and promotion of Hague Conference tools and guides (INCADAT, INCASTAT, iChild, e-APP, Guides to Good Practice and Practical Handbooks) for persons and entities tasked with implementing and operating Hague Conventions;
- develop and promote the work of the Hague Conference in other languages (subject to available resources); and
- provide and co-ordinate technical assistance to States in the relevant region in the form of training programmes, promotional activities, and seminars for judges, government officials, Central and Competent Authority officers and other professionals responsible for implementing and applying the Hague Conventions.

4. This Information Document reports on the most notable activities and accomplishments of both Regional Offices between 1 January 2014 and 31 December 2014. It also provides a summary of the funding and expenditures for both offices, insofar as such costs are beyond the scope of the Organisation's Regular Budget.

¹ See, e.g., *Strategic Plan of the Hague Conference on Private International Law* (April 2002) at Section 4.1.1.

Brief report on the Latin American Regional Office (Buenos Aires, Argentina)

Background

5. In 2005, the Permanent Bureau established a Special Programme for Latin American States. It did so in response to requests to expand the work of the Hague Conference in Latin America. Due to the Programme's success, and the generous support of the Argentine Government, it evolved gradually, culminating in the opening of the Latin American Regional Office. On 7 May 2010, the Hague Conference and the Republic of Argentina signed the Host Country Agreement regarding the establishment of the Hague Conference's Regional Office for Latin America. The Agreement entered into force on 23 August 2013. The Latin American Regional Office has been operating within the premises of the Argentine Ministry of Foreign Affairs.

Organisation

6. The Regional Office for Latin America is located in Buenos Aires and headed by Mr Ignacio Goicoechea, the Representative of the Hague Conference for Latin America. Ms Florencia Castro, part-time Legal Assistant, supports the Representative with discharging his role.² On 17 November 2014, the Argentine Government and the Hague Conference concluded an agreement to ensure the sustainable funding of the Regional Office's premises, thus allowing its efficient and effective operation in the future. This Agreement also allowed the Latin American Regional Office to welcome its first intern, Ms Luisa Fernanda Serna, from the University of Medellin, Colombia, enhancing its capabilities in the area of international litigation and commercial law.

Achievements: Projects and Activities

7. In the reporting period, the Latin American Regional Office has again successfully increased the visibility of the Organisation, its Conventions and other instruments. Its activities also further ensured the growing effectiveness of the operation of the Hague Conventions and instruments throughout Latin America. The following achievements of the Regional Office are particularly notable.

International protection of children, family and property relations

8. The Regional Office for Latin America participated in a series of international child protection trainings for Judges and other actors in Argentina, Brazil, Costa Rica, Honduras and Panama. The Office also supported the *IberRed* Secretariat in its work in this field and took part in a meeting of Central Authorities, Hague Network Judges and contact points in Cartagena de Indias, Colombia, in December 2014.

9. Moreover, the Representative, responding to a request by the Inter-American Commission on Human Rights of the Organization of American States, conducted a tailored training on international child abduction for the Commission and its Commissioners. The training was motivated by the Commission's need to strengthen its capacity in this area after having received several claims that concerned the allegedly defective operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (Child Abduction Convention) in the region.

10. In its efforts to encourage mutual understanding, consistent interpretation and the effective operation of the Child Abduction Convention, the Latin American Regional Office has been actively working to increase the number of Latin American case summaries submitted to INCADAT, including through establishing and successfully expanding a network of Latin American national INCADAT correspondents.

² The costs linked to the services provided by a part-time Legal Assistant, as well as the travel expenditures of the Representative to carry out his duties, are borne by the Organisation's Supplementary Budget.

11. Building upon the successful 2013 Santiago Meeting, the Latin American Office finalised the *Explanatory Note on Specific Matters concerning the 1996 Convention*³ and the *Study of Legal and Practical Impacts of the 2007 Convention*⁴ on Latin America. Designed to assist those in charge of analysing the two Conventions with a view to implementing them in their respective jurisdictions, the documents cover the Conventions' benefits and possible ways to overcome likely legal obstacles to their implementation. They also explain good practices for the Conventions' domestic implementation and their operation. The final products have been widely distributed among National Organs, Central Authorities dealing with the operation of the Child Abduction, Protection, and Support Conventions, other children's institutions in Latin American States, and many interested academics. The Santiago Meeting also resulted in a number of Latin American States, including Argentina, Chile, Costa Rica, El Salvador, Mexico, Nicaragua and Panama, making considerable advances in considering their accession to, or ratification of, the Child Protection and Child Support Conventions.

12. Since 2013, the Representative has participated in the working group on judicial co-operation, convened as part of the Ibero-American Judicial Summit. He contributed in particular to the development and the finalisation of the *Ibero-American Protocol on Judicial Co-operation*, which the XVII Judicial Summit approved in April 2014. This Protocol fully incorporates the Hague Conference's *Emerging Guidance and General Principles for Direct Judicial Communications*. In recognition of the value of judicial networks, it designates every Hague Network Judge concurrently as an *IberRed* contact point. Moreover, the Protocol also encourages Latin American States to join certain Hague Conventions, including the Child Abduction, Protection, and Support Conventions. The XVII Judicial Summit also confirmed the permanency of the working group, thus further recognising the importance of judicial co-operation for the region.

13. Throughout the year, the Latin American Regional Officer supported the ongoing preparatory work leading up to the Special Commission on the Intercountry Adoption Convention⁵, particularly coordinating the input provided by Latin American Central Authorities.

International Legal Co-operation & Litigation

14. The Hague Legal Co-operation and Litigation Conventions continue to attract interest among a number of States in the region. The Latin American Regional Office assisted these States as and when requested. Furthermore, it is expected that Brazil's accession to the *Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention) in May 2014, will provide a strong stimulus for several other States to consider the accession or ratification of one or more of the Legal Co-operation Conventions. This development may also receive further impetus through the Ibero-American Protocol that also encourages States to join the Hague Legal Co-operation Conventions.

³ *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (Child Protection Convention).

⁴ *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (Child Support Convention).

⁵ *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Intercountry Adoption Convention).

Brief report on the work of the Asia Pacific Regional Office (Hong Kong SAR, People's Republic of China)

Background

15. The Council on General Affairs and Policy of the Hague Conference on Private International Law endorsed the establishment of the Asia Pacific Regional Office in the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong SAR) during its meeting from 17 to 20 April 2012. Thereafter, preparatory work for the establishment of the Regional Office progressed from May to November 2012. The Asia Pacific Regional Office officially opened on 13 December 2012 in premises at 1409-141 Hong Kong Plaza, 188 Connaught Road West, Hong Kong.

Organisation

16. Mr Justice Hartmann, a non-permanent judge of Hong Kong SAR Court of Final Appeal (NPJ), was the Asia Pacific Regional Office's first Representative. On 1 April 2013, Professor Anselmo Reyes SC succeeded Mr Justice Hartmann as Representative. Ms Alix Ng holds the position of Office Manager at the Regional Office. Mr Daniel Zhu Yong, seconded from the Ministry of Foreign Affairs of the People's Republic of China, is the Legal Officer at the Regional Office. From time to time, the Regional Office benefits from the engagement of long- and short-term interns from local and overseas universities.

Activities

17. The Regional Office has engaged in a number of important activities and events in 2014. Among them, the following were of most importance.

Conference on "Cross-Border Family Matters and the Well-Being of the Child: Asia Pacific Perspectives"

18. The Conference on "Cross-Border Family Matters and the Well-Being of the Child: Asia Pacific Perspectives", which took place in Beijing, China, on 13 May 2014, was co-organised by the Permanent Bureau, through its Asia Pacific Regional Office, and Renmin University of China, with the support of the Government of China.

19. Focusing on the Child Abduction Convention, the Conference attracted a significant number of academics and practitioners from mainland China and the Hong Kong SAR, and many Beijing-based diplomats. In total, 110 government officials, judges, academics and invited experts from six Asia Pacific States (Australia, China - including the Hong Kong SAR and Macau SAR - Japan, Korea, Philippines and Singapore), as well as specially invited experts from the United Kingdom and the United States of America, attended the Conference.

20. Invited experts and speakers shared their views on the advantages of acceding to the Convention. They also shared their experiences implementing the instrument in their respective countries. Speakers from China highlighted differences between the requirements and obligations imposed by the Child Abduction Convention and China's domestic law and practices. The Conference succeeded in raising the participants' awareness of the Child Abduction Convention and provided a regional forum for the exchange of information, experiences and practices of Asia Pacific States in cross-border child abduction cases and related issues. The participants recommended that the dialogue should be continued, with increased efforts to study and exchange viewpoints on this Convention and on how to enhance child protection measures in the Asia Pacific region. The International Academy of Matrimonial Lawyers and two law firms, Withers and Lipman Karas, provided financial support for the event.

HCCH Asia Pacific Week in Hong Kong

21. HCCH Asia Pacific Week in Hong Kong (6-11 Oct 2014) was organised by the Asia Pacific Regional Office and the Department of Justice of the Hong Kong SAR of China. The HCCH Asia Pacific Week consisted of three major events, namely, (1) the 2014 meeting of the Working Group on the Judgments Project; (2) the 9th International Forum on the e-APP; and (3) the 2005 Choice of Court Agreement Convention Moot Competition.

22. Experts from 13 countries, including Australia, Brazil, China, Cyprus, Germany, Korea, New Zealand, the Russian Federation, Serbia, Spain, Switzerland, the United Kingdom and the United States of America, as well as from the European Union, attended the meeting of the Working Group on the Judgments Project. At this meeting, work progressed well on proposals on the recognition and enforcement of foreign judgments for future consideration by a Special Commission.

23. The 9th International Forum on the e-APP was the first Forum held in the Asia Pacific region. Around 60 participants attended, hailing from 24 countries. The Forum provided an international venue for the exchange of information on the latest developments of the e-APP worldwide. In particular, it allowed participants to learn from the experiences of the growing number of e-APP jurisdictions. The meeting also took stock of latest developments and discussed the future directions of the Apostille Convention and the e-APP in the Asia Pacific region.

24. The 2005 Choice of Court Agreement Convention Moot Competition was organised with support from the Department of Justice of the Hong Kong SAR of China, the Chinese University of Hong Kong and private sponsors. With the moot problem premised on the *Hague Convention of 30 June 2005 on Choice of Court Agreements* (Choice of Court Convention) having come into effect, students from eight Asia Pacific universities participated in the Moot Competition. Singapore Management University won the final.

25. The events of the HCCH Asia Pacific Week were a great success. The Regional Office played a key role in their organisation, while the Hong Kong SAR of China financially supported the events.

Other activities

26. On 17 and 24 May, and 7, 14 and 21 June 2014, the Representative delivered a series on lectures in Hong Kong under the name "A Practical Look at the New Companies Ordinance" to promote the Hague Conference as well as to raise funds for the activities of the Regional Office (especially the 2005 Choice of Court Agreement Convention Moot Competition). The series culminated in an analysis of private international law relating to multinational corporations and international corporate insolvency and rehabilitation. Around 100 barristers, solicitors, scholars, law students, and other professionals attended the five lectures. At the same time, the Representative took part in numerous seminars, lectures, and other outreach activities throughout the Asia Pacific region (in particular, Australia, Bhutan, Cambodia, China, Indonesia, Japan, Philippines, Singapore, Sri Lanka, Thailand, and Vietnam).

Report on the joint work of the Latin American and the Asia Pacific Regional Offices

27. The “Economic Committee (EC) Workshop on Ease of Doing Business through Hague Conventions” (EC Workshop) took place in Beijing, China on 12 August 2014. Under the auspices of the APEC Economic Committee, the event was organised jointly by the Permanent Bureau, through its Asia Pacific and Latin American Regional Offices, and the Department of Justice of Hong Kong SAR. Because APEC comprises countries located in the Asia Pacific and North and South American regions, the EC Workshop presented a great opportunity for both Regional Offices to prepare collaboratively a major international event.

28. Forty delegates and experts from the APEC member economies and international organisations participated. They discussed a range of Hague International Legal Co-operation and Litigation Conventions and:

- recognised and reaffirmed the value of the mechanisms established under the Apostille Convention,⁶ the Evidence Convention and the Service Convention⁷ as a long-established, effective global means to facilitate cross-border investment and transnational procedures;
- reiterated that APEC-wide adoption of the above-mentioned Conventions would have a significant impact on the ease of doing business, reinforce institutional and people-to-people connectivity, and contribute to APEC’s wider objective of trade and investment liberalisation; and
- considered that the Choice of Court Convention was a useful global instrument which would benefit the international business community and foster international trade and investment by providing litigants with a simple, predictable and effective legal framework.

29. The EC Workshop also reiterated the proven value of technical assistance offered by the Permanent Bureau to APEC members, including through its Asia Pacific Regional Office, welcoming similar activities and further opportunity for enhanced collaboration between the Hague Conference and APEC in the future.

⁶ *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.*

⁷ *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.*

ASIA PACIFIC OFFICE

Furnished office accommodations	€ 78,624.81
Salaries and related staff costs, including honorariums	€ 40,096.71
Consultant fees	N/A
Organisational and administrative costs for seminars and training programmes	€ 72,240.03
Publication and translation expenses	€ 14,642.15
Travelling expenses and overseas subsistence allowance	€ 63,838.74
Contingency and sundry expenses	€ 2,189.20
Total expenditures borne by voluntary contributions to the Supplementary Budget / Hong Kong Account	€ 271,631.64

LATIN AMERICAN OFFICE

Furnished office accommodations	In-kind by Host State
Salary of the Representative	Regular Budget
Consultant fees	€ 13,000
Organisational and administrative costs	Regular Budget
Publication and translation expenses	N/A
Travelling expenses and overseas subsistence allowance	€ 14,260.64
Contingency and sundry expenses	In-kind by Host State
Total expenditures borne by voluntary contributions to the Supplementary Budget	€27,260.64