

6 Things you need to know about the IAFL Hague Committees

In this blog I will shine a light on one of the “hidden pearls” of our organisation: The Hague Committees. Read below what you should know about them:

1. There are 5...

There is actually not one Hague Committee, but there are five Hague committees, which are overseen and co-ordinated by the Chair of The Hague Committees, who is also an Executive Committee member (currently by me, IAFL Vice President Sandra Verburgt (The Netherlands)). The Five Subcommittees are dealing with a variety of subjects in the field of International Family Law:

Subcommittee 1 - International Protection of Children and Adults (chaired by Laura Dale (Texas, USA))

Subcommittee 2 - International Financial Relief for Children (chaired by Alberto Perez Cedillo (Spain))

Subcommittee 3 - Relations between (Former) Spouses (chaired by Charlotte Butruille-Cardew (France))

Subcommittee 4 - Wills, Trusts and Estates (chaired by Corinne Remedios (Hong Kong))

Subcommittee 5 - International Judicial and Administrative Co-operation / Jurisdiction and Enforcement of Judgments (chaired by Judge Susan Purdon-Sully (Australia))

2. “Hague” is not a synonym for “abduction” work

“Hague” is a reference to the “Hague Conference on Private International Law” or in French “Conférence de La Haye de droit international privé”, the World organization for Cross-border Co-operation in Civil and Commercial Matters (HCCH). The HCCH was established in 1893 and will celebrate its 125th Anniversary in 2018 by organizing a global conference “HCCH 125 — Ways Forward: Challenges and Opportunities in an Increasingly Connected World”. The website has gone live at www.HCCH125.org.

The oldest Treaty is the Hague Treaty on civil procedure of 17 July 1905, which is meanwhile replaced by the Convention of 1 March 1954 on civil procedure. There are currently 40 International agreements in force, the Statute of the HCCH, 37 conventions on a variety of subjects in the field of Private International Law, one Protocol dealing with the Applicable law on Maintenance Obligations and one non-binding set of principles, the “Principles on Choice of Law in International Commercial Contracts”. The most ratified Treaty is the “Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents”, better known as the “Hague Apostille Convention 1961” with 115 contracting parties.

The reference as “Hague” for “abduction” work is therefore a misnomer, since there is only one Hague Convention dealing with abductions, the “Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction” (out of 37) and this is not even the most ratified treaty, although it is a very important treaty (there are 98 contracting parties).

IAFL is promoting the work of the HCCH as a whole and educating our fellows about the work of the HCCH, which has resulted among others in the decision to set up the above mentioned Committee structure with 5 Subcommittees. Alberto Cedillo's subcommittee will participate in the IAFL Annual Meeting's Educational Program in Tokyo (30 May 2018 – 3 June 2018).

3. The IAFL has Observer Status at the HCCH

The IAFL has observer status with the HCCH. The IAFL may designate a fellow to attend Special commission meetings, working group meetings, HCCH conferences or any other such meeting for which the HCCH has sent an invitation to the IAFL. This year fellow Edwin Freedman (Israel) was the IAFL Observer and attended in this role the Seventh Special Commission on the Practical Operation of the 1980 and 1996 Hague Conventions, which was held from 10-17 October 2017 in The Hague. Edwin was accompanied by fellows Robert Arenstein (New York, USA), Lawrence Katz (Florida, USA), Fabiana Quaini (Argentina) and Suzanne Harris (California, USA).

The Special Commission (SC) meets every four-five years and is composed of delegates from all Signatory States and observers from non-signatory States; academics and NGO's. Both delegates and observers participate in the discussions but only delegates may vote on resolutions. In practice, decisions are not made by vote but rather a sense of the body. Thus, opinions expressed by non-delegates can directly impact decisions. The IAFL was the only worldwide organization of practicing attorneys that participated in the SC. The only other NGO of practicing attorneys at the SC was the relatively small U.S.-Mexican Bar Association.

Edwin Freedman's report can be found in the Members Area of the IAFL Website under Library/IAFL Members' Publications or using the direct link www.iafl.com/cms_media/files/hague_special_commission_report_freedman.pdf.

4. Officials of IAFL and HCCH annually have an informal lunch meeting to discuss common objectives

Since 2016 IAFL and HCCH officials meet in The Hague for lunch every summer to liaise and collaborate for the advancement of common objectives in the preservation and appropriate application of the Conventions in all matters of concern to fellows. Immediate Past President William Longrigg wrote about this lunch meeting in his President's Blog of 9 September 2016 www.iafl.com/blog/all-blog-posts/president-s-blog-sep16/index.html.

5. HCCH First Secretary Philippe Lortie is a frequent visitor of IAFL Conferences

HCCH First Secretary Philippe Lortie attended his first IAFL conference as a speaker in Bordeaux in 2014 (European Chapter Meeting, March 2014). He has frequently attended our meetings since, and we are delighted that he is always prepared to educate and inform us about the important work of the HCCH. Last but not least he is also a very warm, accessible and engaging person. Who did see him dancing in the deep dark night in New Delhi?

6. IAFL USA Chapter has set up the U.S. Friends of the Hague Conference Foundation

USA Chapter fellow Suzanne Harris (California, USA) has been extremely helpful in setting up the U.S. Friends of the Hague Conference Foundation. She has identified the need for funds by The HCCH to continue their good work on behalf of children and families and is chairing the foundation. This foundation has obtained IRS501(c)3 status with the help of tax attorney Marilyn Barret, who is also a Secretary of the Foundation. They are determined to get the fundraising moving forward especially because of the coming HCCH 125th Anniversary in 2018. For more information about the Foundation or to make a donation, please liaise with fellow Suzanne Harris.

If there is something you wish to address in relation to the focus areas of the Hague Committees or there is a specific development in your jurisdiction, which may be of importance to one of the Subcommittees, please do not hesitate to liaise with the Chair of the relevant subcommittee. We are always curious to learn from each other!

I wish you a very happy and successful 2018!

Sandra Verburgt