

U.S. Friends of the Hague Conference (HCCH) Foundation



HCCH | PIL
Individuals | Families | Companies |
| High degree of legal certainty and security |
Diversity of legal traditions | Road signs | Global needs |
Intergovernmental organization | *The Hague* | Child protection, family and
property relations | HCCH Conventions | *Commercial and financial
transactions* | Foreign direct investment | Judgments | Support | *Buenos Aires* |
Global reach | *Regional Offices* | *Intercountry adoption* | Hong Kong | INCADAT |
Apostille | Legal and technical advice and training | International Hague
Network of Judges | *Access to justice* | Child protection | *Wills* | *Child abduction* |
Choice of court agreements | *Service abroad* | Global securities markets |
Recognition and legal validity abroad | Choice of law in international commercial
contracts | *Trusts* | *Evidence abroad* | *Child support* | Protection of adults |
ICATAP | *Cross-border situations* | INCADAT | *Judicial
and administrative cooperation*

Information Brochure

May 2024

U.S. Friends of the Hague Conference (HCCH) Foundation



Donation Form - 2024

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PURPOSE

Internship Program

HCCH a|Bridged 2024

Implementation of Spanish as an Official Language

INCADAT

iSupport

THANK YOU FOR YOUR SUPPORT

Please mail this form to: U.S. Friends of The Hague Conference Foundation
c/o Wendy Hickey
250 First Avenue, Ste. 201
Needham, MA 02494

A tax receipt will be issued for all donations.

EIN: 82-1165988

A. What is the Hague Conference on Private International Law (HCCH)?

The HCCH is an intergovernmental organization the mandate of which is “the progressive unification of the rules of private international law” (Art. 1 of the Statute)¹.

In today's world, individuals and businesses are constantly engaged in cross-border interactions, with work, commerce, study, shopping, travel, relationships and more increasingly taking place across multiple countries. These activities require a high degree of legal certainty and predictability to thrive. However, when taking place across borders the differences between countries' legal systems often leave gaps in the legal framework, resulting in uncertainty as to which authority has jurisdiction, which law is applicable, how decisions are recognised and enforced, and what cooperation mechanisms are available to overcome challenges of cross-border judicial or administrative procedures.

The HCCH's mission is to resolve these questions by providing internationally agreed solutions, developed through the negotiation, adoption, and operation of international treaties, the HCCH Conventions, to which States may become Contracting Parties, and soft law instruments, which may guide States in developing their own legislative solutions.

These Conventions and instruments provide clarity and direction in cross-border relations across three main areas:

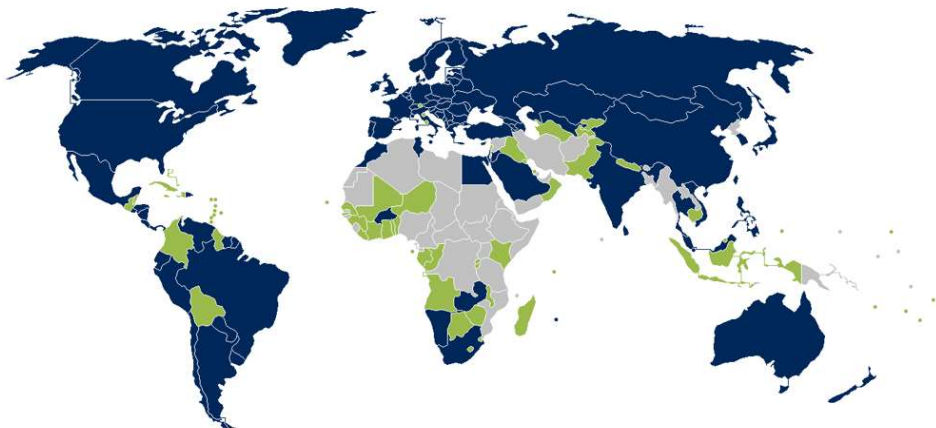
- International Family and Child Protection Law
- Transnational Litigation and Apostille
- International Commercial, Digital, and Financial Law

The ultimate goal of the organization is to work for a world in which, despite the differences between legal systems, persons – individuals as well as companies – can enjoy a high degree of legal security.

The HCCH currently has over 90 Members, including the United States. Its membership has almost doubled since the beginning of the 21st century and continues to grow, with a number of States currently in the process of becoming Members. In addition, there are a number of other States that are not yet Members of the Organization but which have signed, ratified, or acceded to one or more H C C H Conventions.

¹ "Private international law" is also known as "conflict of laws" in some countries.

The work of the HCCH is supported by a multinational secretariat, the Permanent Bureau (PB). Its headquarters are located in **The Hague**, the Netherlands, with a Regional Office for Latin America and the Caribbean in **Buenos Aires**, Argentina, and a Regional Office for Asia and the Pacific in the Special Administrative Region of **Hong Kong**, China.



Why does the HCCH need additional funding?

The budget of the HCCH for the 2023 / 2024 financial year was just under €5 million (approximately US\$ 5.43 million), a relatively modest figure for an organization with such a vast, global reach. The HCCH has the equivalent of approximately 32 full-time staff members (including both Regional Offices).

A number of projects on the work program of the Organization are subject to additional funding in the form of voluntary contributions received from HCCH Members, non-Member States, and other partners. These are often projects which help to **raise awareness of the practical benefits of the HCCH Conventions**, and thus to attract new Contracting Parties, as well as to **ensure their consistent implementation and operation**, to the benefit of countless individuals, families, and businesses in the United States and beyond. A selection of these projects is presented in Section C of this document.

B. The Work of the HCCH: Normative Work and Core HCCH Conventions and Instruments

In order to provide individuals, families, and businesses across the world with a high degree of legal certainty and predictability in cross-border matters, the HCCH develops international treaties – the HCCH Conventions – and other legal instruments that address global private international law needs.

At the same time, the HCCH strives to ensure that its Conventions and instruments are widely adopted, are effectively implemented, and continue to respond to the needs of its Members and Contracting Parties.

1. Ongoing Normative Work

The **Jurisdiction Project** explores matters related to the jurisdiction of courts in transnational civil or commercial litigation, including how harmonised rules in transnational litigation can reduce the risk of parallel litigation in multiple States. Its work is currently carried out by the Working Group on Matters Related to Jurisdiction in Transnational Civil or Commercial Litigation, mandated by the HCCH to develop draft provisions to inform future policy considerations and decisions in relation to a possible new instrument.

The **Parentage / Surrogacy Project** studies the private international law issues encountered in relation to the legal parentage of children, as well as in relation to international surrogacy arrangements more specifically. In this context, following initial work by an Experts' Group, the Working Group on Parentage / Surrogacy has been mandated by the HCCH to draft provisions for a new instrument on legal parentage generally, including legal parentage resulting from an international surrogacy agreement.

The **CBDCs Project** studies the private international law implications of Central Bank Digital Currencies (CBDCs), identified as an area of interest for further study at the inaugural HCCH Conference on Commercial, Digital and Financial Law Across Borders (CODIFI Conference). Following an initial exploratory stage, in March 2024 the HCCH established an Experts' Group to study the applicable law and jurisdiction issues raised by the cross-border use and transfers of CBDCs.

The **Digital Economy Project** monitors developments with respect to the digital economy, with a view to identifying PIL issues for potential future work. This includes developments with respect to digital platforms, artificial intelligence and automated contracting, and immersive technologies, in partnership with relevant subject-matter experts.

The **Digital Tokens Project** examines the private international law issues relating to digital tokens, defined as virtual representations stored electronically on decentralized or distributed or distributed storage mechanisms, in partnership with relevant subject-matter experts and Observers.

In addition to the abovementioned projects, the PB of the HCCH also monitors developments with respect to PIL issues relating to **insolvency and restructuring, intellectual property**, and **voluntary carbon markets**.

2. Core HCCH Conventions and Instruments

Since its inception, over 40 Conventions and instruments have been adopted under the auspices of the HCCH. Of these, a selected number, known as the core Conventions and instruments, are prioritised based on their recent adoption, popularity, or practical relevance.

International Family and Child Protection Law

The **1980 Child Abduction Convention** seeks to protect children from the harmful effects of wrongful removal and retention across international boundaries, by providing a procedure to bring about their prompt return and ensuring the protection of rights of access.

The **1993 Adoption Convention** provides safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for their fundamental rights.

The **1996 Child Protection Convention** provides a comprehensive framework to protect children in cross-border situations, with uniform private international law rules that prevent conflicting decisions regarding civil measures of protection for children and their property.

The **2000 Protection of Adults Convention** applies to the protection of adults in international situations who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.

The **2007 Child Support Convention** and the **2007 Maintenance Obligations Protocol** seek to establish a modern, efficient, and accessible international system for the cross-border recovery of child support and other forms of family maintenance.

Transnational Litigation and Apostille

The **1961 Apostille Convention** facilitates the use of public documents abroad, replacing the traditional legalization process with a single formality, the issuance of an Apostille certificate.

The **1965 Service Convention** and the **1970 Evidence Convention** establish effective cross-border cooperation mechanisms to facilitate and streamline, respectively, the service of documents and the taking of evidence abroad.

The **1980 Access to Justice Convention** ensures that nationals of habitual residents of a Contracting Party to the Convention have non-discriminatory access to justice within all other Contracting Parties.

The **2005 Choice of Court Convention** aims at ensuring the effectiveness of choice of court agreements (or "forum selections clauses") between parties to international commercial transactions.

The **2019 Judgments Convention** facilitates the effective global circulation of judgments in civil or commercial matters.

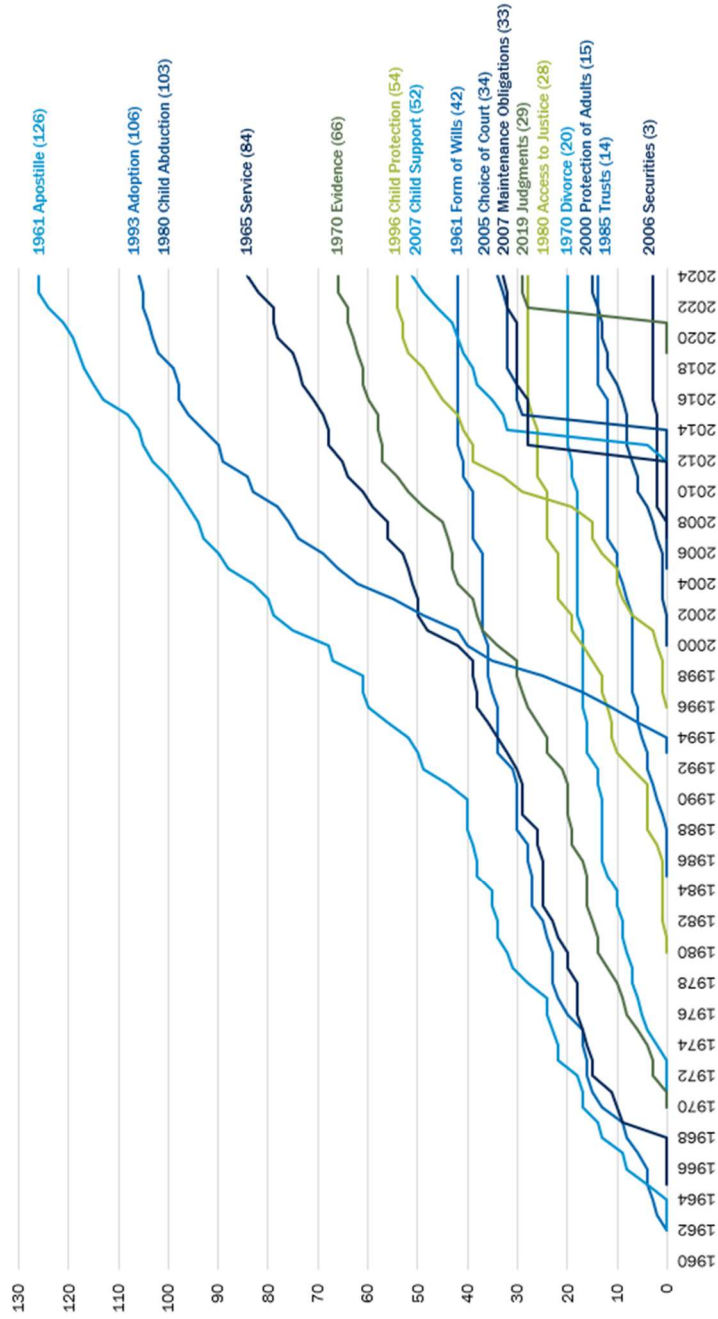
International Commercial, Digital, and Financial Law

The **1985 Trusts Convention** specifies the law applicable to trusts and governs the recognition of trusts among Contracting Parties.

The **2006 Securities Convention** determines the law applicable to the perfection, priority, and other effects of securities held with an intermediary.

The **2015 Choice of Law Principles**, the first "soft-law" instrument of the HCCH, are designed to promote party autonomy in international commercial contracts.

Number of Contracting Parties (incl. States & REIOs) bound by the Core HCCH Conventions (as of 15 May 2024)



C. HCCH Priority Projects for Voluntary Contributions

The HCCH's core activities – its normative and post-Convention work and day-to-day operations - are financed through assessed contributions paid annually by its Members. In addition, the HCCH implements a number of special projects and activities, subject to the availability of additional funding in the form of voluntary contributions, to address specific needs which may arise in the pursuit of the universal and effective implementation and operation of its Conventions and instruments. This document provides a selection of projects, listed in descending order of priority, which could benefit from additional support through the U.S. Friends of the Hague Conference Foundation.

1. Internship Program – high priority

The HCCH Internship Program is aimed at students or recent graduates from accredited law schools wishing to gain practical work experience in the field of private international law. Internships are conducted at the office of the PB of the HCCH in the Hague for a period of three to six months, usually on a full-time basis. The PB generally hosts between four and six interns at a time.

Interns acquire direct exposure to the work of the HCCH through a variety of tasks and responsibilities, which include:

- carrying out research on particular points of private international law and/or comparative law, relevant to the operation of existing HCCH Conventions or to the future work of the HCCH;
- taking part in the preparation of HCCH meetings (e.g., Council on General Affairs and Policy, Working/Expert's Groups, Special Commissions, Diplomatic Sessions);
- contributing to the promotion of the HCCH and its work, assisting with the preparation of presentations and collection of other information according to the needs of the staff of the PB.

Internships offered by the PB of the HCCH are not remunerated. To cover their travel costs and expenses for the duration of the internship, successful applicants are encouraged to investigate available funding within their university or from other public and private organizations. However, the HCCH may, on some occasions, provide interns with a €300-500 monthly stipend to cover part of their accommodation and living expenses, subject to the availability of funding through voluntary contributions.

The lack of funding for the provision of stipends to its interns has a negative impact on the HCCH's ability to attract a diverse and competitive pool of candidates and

to ensure that its employment practices are ethical, inclusive, and in line with its core values. Significantly, they undermine the principles of universality and inclusiveness, essential to the work of the HCCH. In a number of recent cycles in which the PB was unable to offer a monthly stipend, feedback received from interns indicated that the lack of funding was the highest cause of stress, as the cost of living and difficult rental market in The Hague has proven a significant barrier of entry for young professionals.

For this reason, securing voluntary contributions for the Internship Program remains a high priority for the PB in the context of its fundraising efforts. In this regard, the PB is grateful to the US Friends of the Hague Conference Foundation for its support as primary contributor to the Internship Program over the past few years.

On the basis of the funds currently at its disposal, the PB expects to be able to provide internship stipends for 3-6 interns until August 2024. Although the Internship Program will continue, no internship stipends will be possible from September 2024 onwards unless additional funding is secured.

Internship Program

Expense	Duration of Internship	Stipend	Estimated Annual Cost
Internship stipends (twelve interns per year)	3-6 months	€ 400 p/m	€ 14,400 - 28,800

2. HCCH a|Bridged 2024 – medium priority

The HCCH a|Bridged series convenes experts and stakeholders from around the world to discuss and debate the very latest in transnational civil or commercial litigation.

There have been three editions of HCCH a|Bridged to date:

- Edition 2019 focused on the HCCH 1965 Service Convention in the era of electronic and information technology;
- Edition 2020 commemorated the golden anniversary of the HCCH 1970 Evidence Convention; and
- Edition 2021 discussed contemporary issues relating to the application of the HCCH 2005 Choice of Court Convention, including the promotion of party autonomy and the establishment of international commercial courts around the globe.

The PB of the HCCH intends to organize the fourth edition of the HCCH a|Bridged series in the second half of 2024. HCCH a|Bridged 2024 will be dedicated to the 2019 Judgments Convention, in light of its recent entry into force. The half-day event will be held either in hybrid format or online, depending on the funding available.

Following the event, recordings of each session will be made publicly available on the HCCH YouTube channel, further contributing to the HCCH's audiovisual library on private international law, and a post-event publication of written contributions from event speakers will be published on the HCCH website.

Voluntary contributions will be required to cover all costs associated with the organization of HCCH a|Bridged 2024, including venue, IT support, and speakers' expenses.

HCCH a|Bridged 2024 (in person, live-streamed)

Expenses	Cost
Venue	€ 4,000 – 12,000
IT support	€ 6,000
Travel costs	€ 500
Miscellaneous	€ 500
Total Cost	€ 11,000 – 19,000

HCCH a|Bridged 2024 (online)

Expenses	Cost
Travel costs	€ 500
Miscellaneous	€ 500
Total Cost	€ 1,000

3. Implementation of Spanish as an Official Language – medium priority

In March 2023, the Council on General Affairs and Policy of the HCCH took the historic decision to adopt Spanish as an official language as of 1 July 2024. This development represents an important further step contributing to universality and inclusiveness at the HCCH, reflecting the importance of multilingualism and multilateralism as core pillars of its work. With Spanish as an additional official language, the HCCH will be better equipped to assist individuals, families, and businesses across the world.

From 1 July 2024, all major HCCH meetings will be fully trilingual. Similarly, new publications and documents will be available in all three official languages. These costs will be mainly funded by the Members of the HCCH through the HCCH's budget as of Financial Year 2024-2025. However, as implementation plans are spread over multiple Financial Years to minimize the impact on the Budget, Voluntary Contributions towards the implementation of Spanish as an official language would be helpful to ensure that important materials can be made available as soon as possible in order to guarantee the equal standing of the three official languages of the HCCH.

Should funding be granted through the US Friends of the Hague Conference Foundation, the PB would engage the services of an external translator to produce Spanish versions of documents or cover some interpretation costs for meetings. More information on the specific documents or meetings which would be prioritised upon receipt of financial support, and on the estimated costs of their respective translation or interpretation, can be provided by the PB upon request.

4. International Child Abduction Database (INCADAT) – medium priority

INCADAT is the only global, free legal database on international child abduction law. Available in English, French and Spanish, it is a comprehensive tool that facilitates the research of cases, case summaries and legal analyses within the scope of application of the HCCH 1980 Child Abduction Convention. INCADAT is used by judges, Central Authorities, legal practitioners, researchers, and others interested in the application of the 1980 Child Abduction Convention, which helps protect children from the harmful effects of international child abduction in more than 100 countries across the globe.

Voluntary contributions provided for this project will serve to cover the costs of

INCADAT's webhosting and maintenance services, as well as the cost of engaging the services of an external consultant to identify relevant cases and prepare case summaries in coordination with the global network of INCADAT correspondents. The consultant's support, albeit available on a limited and ad hoc basis due to insufficient funding, has been essential for maintaining INCADAT relevant and up-to-date.

INCADAT

Expenses	Number of Months	Cost per Month	Estimated Annual Cost
Consultant's fee	12	€ 600	€ 7,200
Web hosting fees (Thirdwave B.V.)	12	€ 327.50	€ 3,930
Maintenance costs (Thirdwave B.V.)	-	-	€ 500

5. iSupport – low priority

iSupport is the electronic case management and secure communication system for the cross-border recovery of maintenance obligations under the EU 2009 Maintenance Regulation and the 2007 HCCH Child Support Convention. Its operation, funded through voluntary contributions, is coordinated by the PB of the HCCH and directed by a Governing Body of participating States.

The use of iSupport is intended to lead to efficiency gains by replacing existing paper-based processes, ultimately contributing to better enforcement to the benefit of children and families worldwide. Communications between national authorities using iSupport are enabled by the e-CODEX system, a secure digital communication technology developed by the European Union. Data transmitted through e-CODEX are protected against the risk of loss, theft, or any unauthorized alterations.

In order to encourage as many States as possible to use iSupport, the PB of the HCCH engages the services of two consultants to provide support to States participating in iSupport with the setting up and operation of secure electronic communications with e-CODEX. The estimated annual cost of this work (equivalent to 0.44 FTE) is € 30,528 (\$ 33,000) per year.



Donation Form - 2024

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PURPOSE

- Internship Program
- HCCH a|Bridged 2024
- Implementation of Spanish as an Official Language
- INCADAT
- iSupport

THANK YOU FOR YOUR SUPPORT

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