

A few takeaways from the Conclusions & Decisions of the HCCH governing body

The Conclusions & Decisions of the Council on General Affairs and Policy (basically, the governing body - CGAP) of the Hague Conference on Private International Law (HCCH) were published this week. [Click here](#).

What is remarkable is that this year's Conclusions & Decisions, as well as other Preliminary Documents, were also published in Spanish. It is the first time in the history of this governing body that documents are translated into Spanish and signals its commitment and the looming deadline when Spanish will become an official language of the HCCH (*i.e.* 1 July 2024). Many congratulations to the HCCH team, it has been a long road.

A few takeaways from the Conclusions & Decisions are the following:

There has been a revitalization of the commercial and financial law area with work being undertaken regarding Digital Assets and Tokens, Central Bank Digital Currencies (CBDC), Digital Economy, Digital Tokens, Restructuring and Insolvency and Voluntary Carbon Markets. In particular, the Council mandated "the establishment of an **Experts' Group** to study the applicable law and jurisdiction issues raised by the cross-border use and transfers of CBDCs" (Conclusion & Decision No 10).

A few **Working Groups** will continue to meet in the coming year, namely Financial Aspects of Intercountry Adoption, Surrogacy and Jurisdiction.

A new **Working Group** has been established with respect to the 1996 Child Protection Convention (Conclusion & Decision No 26): "CGAP mandated the establishment of a WG on the operation of Article 33 of the 1996 Child Protection Convention, first, to develop a Model Form and, subsequently, a Guide on the application of Article 33. The WG will report on its progress to CGAP 2025." This is a significant development, in particular regarding the streamlining of how to handle kafalas. See also the work of FAMIMOVE. Another **Working Group** will

deal with the 1996 Country Profile.

With regard to **post-Convention work**, a few meetings will take place:

- A meeting of the International Hague Network of Judges in Rio de Janeiro, Brazil from 15 to 17 May 2024.
- Forum on Domestic Violence and the Operation of Article 13(1)(b) of the 1980 Child Abduction Convention in Sandton, South Africa, from 18 to 21 June 2024. This is the result of the Conclusions & Recommendations of the meeting of the Special Commission that took place last year and the existing concerns about domestic violence.
- Malta V, in Valetta from 24 to 27 September 2024. The Malta Process is a dialogue involving both Contracting States to the 1980 Child Abduction Convention and the 1996 Child Protection Convention, and non-Contracting States whose legal systems are based on or influenced by Islamic law (“Shariah”). [Click here](#).
- Special Commission on the practical operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions to take place from 2 to 5 July 2024 in The Hague.

A more intriguing Conclusion is the following regarding **Trusts** (Conclusion & Decision No 55):

CGAP noted the PB’s work in relation to the 1985 Trusts Convention, and mandated the PB, in partnership with relevant subject-matter experts, and subject to available resources, to continue to study the interpretation of analogous institutions for the purpose of Article 2 of the 1985 Trusts Convention, with a focus on:

a. clarifying the divergences in interpretation between the English and French versions of the Article; and

b. exploring whether analogous institutions would include foundations and endowments, institutions and developments relating to the waqf in the Islamic legal tradition, and decentralised autonomous organisations (DAOs) and other similar structures.

Finally, it is worth mentioning the developments regarding **iSupport**. The Council

noted “the first official exchange of data using iSupport between **Germany and Sweden**, and their continued use of iSupport” (Conclusion & Decision No 38).