The Hague Conference on Private International Law*

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The aim of this short article is not to give a detailed and thorough analysis of the activities of the Hague Conference on Private International Law, but rather to present an overall picture, albeit lacking in precision and depth, of this growing intergovernmental organization.

The Hague Conference was created on the initiative of Italy and the Netherlands in 1892. M. van Tienhoven, Minister of Foreign Affairs in the Netherlands, in his opening address asked: "Serait-ce vraiment une illusion de croire à la possibilité de créer dans l'avenir un code international de droit privé, qu'adopteraient toutes les nations formant le monde civilisé?" This was the initial expression of a hope that has been reiterated throughout the history of the Conference. Article 1 of the Statute declares that the aim of the Conference is to work towards the progressive unification of rules of private international law. The hope is, as yet, unfulfilled and one can still perceive in the Conventions, the attempt made to compromise and provide for the needs of all interested States, rather than to create a Utopian code of private international law. Between 1893 and 1906, at various sessions,[1] the conclusion of six Conventions was achieved.[2]

Of these six instruments, the Convention on Civil Procedure signed in 1905 has been the most significant. The text of this became the basis of negotiations in 1951, when it was revised, and it is now binding between 17 States. By 1914, Sweden, Norway and Japan had joined the Conference, but Josephus Jitta, then President of the International Law Association, clearly saw the difficulties facing the

1 The following States were represented: Austro-Hungary, Belgium, Denmark, France, Germany, Italy, Luxembourg, Netherlands, Portugal, Rumania, Russia, Spain, Switzerland.

2 The following Conventions were concluded:—
(i) A Convention to regulate the conflict of laws and jurisdictions in matters of divorce and legal separation; (ii) a Convention to regulate the conflict of laws concerning marriage; (iii) a Convention to regulate the guardianship of infants; (iv) a Convention to regulate the effects of marriage on the rights and duties of spouses in their personal relationships, and on their estates; (v) a Convention concerning "l'interdiction et les mesures de protection analogues"; (vi) a Convention on Civil Procedure.

* All views expressed in this article represent those of the author, and should not be attributed to the Conference.

Conference. It would first be necessary to overcome the conflict between the doctrines of domicile and nationality, before the United Kingdom or the United States could become interested in the Conference; then, it would be vital to extend the scope to "non-Christian" countries by way of accession to the Conventions. Between the two wars, the Member States, now joined by Latvia, Poland, Finland, Yugoslavia and Czechoslovakia, became more ambitious, and attempted to unify the laws of conflict concerned with the enforcement of foreign judgments, bankruptcy and succession, and continued to peruse the problems of the international sale of goods. These well-orientated projects were, however, less successful than those of the earlier Conventions, and the Conference seemed to have lost much of its former influence; finally, this first era died with the advent of the second world war.

The year 1951, however, saw a resurrection of the Conference, when 17 States were represented in this Seventh Session. A more cautious approach was noticeable, perhaps illustrated by the opening address of the President, Professor Offerhaus, if one compares it to the citation from the speech of M. van Tienhoven: "Notre terre est divisée en des centaines de groupements juridiques, et, par conséquent, l'unité régionale sera parfois réalisable là où la tentative vers l'unité universelle risque d'échouer."

Since 1951, 13 Conventions have been signed, 23 States are now Members,[3] and other States[4] have shown interest by their accession to certain Conventions. At this stage in the history of the Hague Conference, it may be appropriate to examine some of the features which make it a unique organization.

Membership

Article 2 of the Statute of the Conference defines Members of the Hague Conference as States which have already participated at one or more of the Sessions of the Conference, and who accept the present Statute. The conditions for membership of other States are:—

(i) that the participation of the State in question should afford an interest of juridical nature for the work of the Conference;
(ii) that a majority of Member States should vote in favour of its admission.

This Statute, drawn up in 1951, could be said to improve on the situation prior to 1951, when the extension of the Conference was apparently dependent on diplomatic imponderabilities. The Conference was in those days composed of a select group of States who took the initiative to cause other States to be invited to join them.

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3 Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Arab Republic, United Kingdom, United States of America, Yugoslavia.

4 For example, Hungary, Poland, Czechoslovakia, Vatican.

Structure[5]

To entitle such an organization a "Conference" is to some extent a misnomer, for in reality it is a permanent institution. It is true that tradition has dictated that a conference should take place once every four years; but this meeting of the Assembly is the climax of continuous work being carried out by Special Commissions, the Permanent Bureau and the Netherlands Commission on Private International Law. This Commission acts as the supervisory body; indeed, it has become the very heart of the Conference in matters of policy. Any proposals for inclusion on the agenda of the Conference must be submitted to the Commission for approval; these proposals need not originate from Member States, but may be the suggestions of other organizations working in the same field. In this context, it is of interest to note that the following organizations have sent observers to one or more Sessions of the Conference: the United Nations, the Council of Europe, the European Economic Community, the International Social Service (Geneva), the International Institute for the Unification of Private Law (Rome), l'Union internationale des Huissiers de justice et Officiers judiciaires, and la Commission internationale de l'état civil.

The Conference has an international budget, voted by a board composed of the Heads of Diplomatic Missions at The Hague. In an Agreement made with the Conference's Secretary-General, the Netherlands Government recognizes certain immunities, such as the right of free communication with Member Governments and the inviolability of the Conference's offices.

Scope of Conventions (Accessions and Ratifications)

One striking feature of the Conventions of the Hague Conference is the divergencies in scope which they portray. The sphere of operation of each Convention is determined by the particular needs of the subject-matter with which it deals. A universalistic trend can be observed in the "open treaty" clause in article 16 of the Convention on the Conflicts of Laws relating to the Form of Testamentary Dispositions:—

> "Any State not represented at the Ninth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force, in accordance with the first paragraph of Article 15. . . ."

In many of the Conventions there is an express reservation admitting the faculty for States not present at the Conference, to sign and ratify the Convention in question. Such is the case, for example, in article 10 of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents. This Convention was drawn up at the request of the Council of Europe:—

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5 For a slightly more detailed analysis of the Conference and its work see: van Hoogstraten, 12 *International and Comparative Law Quarterly* p. 148, "The United Kingdom joins an Uncommon Market: The Hague Conference on Private International Law."

> "The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law, and Iceland, Ireland, Liechtenstein and Turkey."

An accession clause is of course included in the Convention.

On the other hand, however, the Convention on Civil Procedure requires that there is no objection raised by *any* Member State to the accession (article 31). A further variation can be seen in the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents; Article 12, paragraph 2 reads:—

> "Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification. . . ."

In contrast to this latter article can be cited article 13 of the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations in respect of Children, paragraph 3:—

> "The adhesion shall have effect only in the relations between the adhering State and the Contracting States which shall have declared acceptance of such adhesion. . . ."

In 1956, the United States Delegation, present at the Session as observers, presented a memorandum to the Session on the advantages of the establishment of "model laws". The proposition was that the Conference should draw up sets of model laws which could, if deemed suitable, be introduced into the internal legislation of the States concerned. In reply to criticism, Mr. Nadelmann was quick to point out that these "model laws" need not necessarily replace the existing classical type Conventions, but may be used as ancillary or alternative possibilities. The arguments of the United States Delegation were well expressed in a Report of the Netherlands Delegation to their Government: "The Delegation was of the opinion that unification by means of international treaties is out of date, and that the States, as a result of the laborious procedure of ratification, may find it hard to introduce the rules adopted by the Conference. Moreover they said, the absence of the right of amendment sometimes forms an impediment to the success of the main principle, especially in cases where some point of detail raises particularly acute and therefore insurmountable difficulties for certain States. Finally, they said, there is a drawback that federal States sometimes have difficulties arising from the internal distribution of jurisdiction, which makes it impossible for them to enter into treaties of private international law."[6] The United States Delegation went on to point out that States rarely sign a treaty unless they intend to legislate on the matter, with the result that the innovation of model laws would not make much difference to the readiness of the States to adopt the texts, and the Delegation stated that this new-found flexibility would undoubtedly extend the scope of the Conference's influence. The Delegation emphasized moreover that codification of rules of conflict of laws is difficult and

6 Report reprinted in English in *American Journal of Comparative Law* (1958), p. 245.

that there is some danger in blocking, through international commitments, immediate correction of adopted rules that may work badly in practice.

The opposition to the American proposal is based on the indispensable diplomatic and political nature of a treaty or Convention. It is thought that as soon as there is an element of reciprocity to be provided for in the relations between States, such reciprocity can only be guaranteed by means of an international instrument. The Secretary-General, moreover, drew attention to the fact "that article 11 of the Statute of the Conference provides for keeping in force the usages of the Conference, and that preparation of model laws, therefore, would seem to require revision of the Statute".[7]

The final outcome of these debates can be seen in Part B of the Final Act of the Tenth Session:—[8]

> "(III) In respect to Model Laws the Tenth Session
> "Considering the decision of the Ninth Session, set forth in the Final Act of 26th October 1960,
> "recognising that the United States of America would be interested to have the results of the Conference expressed in a form similar to that used by the National Conference of Commissioners on Uniform State Laws (an organisation working in the same field as the Conference) so far as the conflict of laws between the States of the Union is concerned,
> "realising that provisions incorporating a legal commitment with respect to other States could not be embodied in the text of model laws,
> "requests the Permnent Bureau to circulate to Members in due course texts of model laws on subjects dealt with in the draft Conventions embodied in this Final Act."

However, it has recently been realised that in certain cases neither model laws nor the classical concept of a treaty can be a final solution in a Conference in which the legal systems of each State differ so essentially one from another. In February 1965, a "Comité restreint" met at The Hague for study of a proposal to "bilateralise" the future Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters. The introduction of the concept of "bilateralisation" would allow States to choose their own treaty-partners, so as to cause the main Convention to be binding only between them. The advantages of this system, proposed by Belgium, were said to be:—

(1) the removal of obstacles often preventing ratification;
(2) the solution of the problems of the binding character of existing treaties (bilateral or multilateral); and
(3) the achievement of a more flexible medium by which States could regulate their conflict practices.

It has been pointed out that in fact a premonition of the idea of "bilateralisation" was seen in article 17 of the "Convention concernant la reconnaissance et l'exécution des décisions en matière d'obligations alimentaires envers les enfants":—

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7 Actes de la Huitième session, Minutes of the Session of 18 October 1956 of Committee IV, commencing at p. 266.

8 For report see G.A.L. Droz, *American Journal of Comparative Law* (1960), p. 592.

"L'adhésion n'aura effet que dans les rapports entre l'Etat adhérant et les Etats contractants qui auront déclaré accepter cette adhésion."

Belgium considered that the States should only have a choice of treaty-partners; and that the Convention should not be of relevance at all before the conclusion of one of these so-called "Supplementary Agreements". The Committee, however, followed a British proposal, which would allow the States even more freedom, in the sense that they would be permitted not only to choose their own treaty-partners, but also to modify certain provisions of the main Convention for the purpose of their Supplementary Agreement; furthermore, the Convention would be ratified, but it would only enter into force on the conclusion of a Supplementary Agreement. What then, it may be wondered, is the significance of ratification? This ratification imposes a moral obligation on the State in question, and signifies its determination to carry out the obligations enunciated in the Convention. Thus the ratification acts as a starting point, from which the Supplementary Agreements can proceed. One must obviously strike a balance between provisions which allow States too much freedom, and provisions which restrict the action of States unnecessarily. The final text of the draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters reads:—

"Article 21..

"Decisions rendered in a Contracting State shall not be recognised or enforced in another Contracting State in accordance with the provisions of the preceding Articles, unless the two States, being Parties to this Convention, have concluded a Supplementary Agreement to this effect."

In article 23 are enumerated the matters that can be defined, modified, or omitted by States in their Agreements. Article 22 provides a safeguard in so far as it stipulates:—

"This Convention shall not apply to decisions rendered before the entry into force of the Supplementary Agreement provided for in Article 21, unless that Agreement otherwise provides.

"The Supplementary Agreement shall continue to be applicable to decisions in respect of which recognition or enforcement proceedings have been instituted before any denunciation of that Agreement takes effect."

This system of "bilateralisation" is a new and dynamic idea, and one which surely could be employed in fields outside private international law.

The Conventions (since 1951)

It must be realized that it is impossible in the space available to treat in detail each Convention which has been drawn up; by way of compromise therefore, it is proposed to summarize briefly the subject-matter of the Convention, and to draw attention to any points of particular note.

Seventh Session (1951)

This Session produced a statute relating to the Conference's constitution, and four Conventions. The Convention on the Law Applicable to International Sales of Corporal Movable Property deals only with the contractual aspect of such economic activities. A clear

applicable law rule is provided by article 2, which stipulates that the sale is governed by the internal law of the country designated by the contractual parties: such an indication may result from an express clause in the contract or implicitly arise from it. Article 3 provides that in default of a law chosen by the parties, the contract shall be governed by the internal law of the country in which the seller is habitually resident or in which his office is situated at the date of the receipt of the order, unless the order is received by the vendor or his agent in the country of the purchaser's habitual residence, in which case the law of that country shall govern. It is of great importance to perceive that by this Convention a new conflicts rule is created which, upon ratification, States agree to adopt in their internal legislation and apply in regard to non-Contracting States as well as Contracting States, i.e. independent of reciprocity. The only other Conventions in which such a universalistic trend can be seen are the Convention on the Form of Testamentary Dispositions and the Convention on the Protection of Minors, article 13 (which, however, allows a reservation to be made to cause the Convention to be non-universalistic).

Already one can perceive the deliberate avoidance of the term "personal law" which conjures up for the English lawyer "the law of the domicile" and for the continental lawyer "the law of the nationality".[9] Such a confrontation between these two concepts of "personal law" had often caused embarrassment in the realm of *renvoi*, and the Seventh Session's efforts were turned towards alleviating such difficulties, when it drew up a Convention for the Regulation of Conflicts between the Law of Nationality and the Law of Domicile. This Convention was designed to help States to determine the personal law, but did not ask of States to abandon their leading principles. The term "domicile" was much in evidence, and the question arose how to avoid possible conflicts of characterization, particularly noting the English concept of "domicile". Article 5 was thus drafted to read: "For the purposes of the present Convention, domicile is the place where a person habitually resides." Attempts were made in the United Kingdom to change the law of domicile, but in vain. All the same, the Convention supported domicile as a connecting factor over nationality in principle. Article 1 provides that when the State in which a person is domiciled prescribes the application of the national law, but the State of which that person is a national, prescribes the law of his domicile, all Contracting States shall apply the internal law of the country of domicile.

The Convention on the Recognition of the Legal Personality of Foreign Corporations, Associations and Foundations follows, in the main, the principle of the universality of status, an exception arising in certain cases in which the local regulation of the incidents of this status will be governed by the law of the country in which those incidents are exercised.

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9 For a detailed analysis of this controversy in the work of the Conference see van Hoogstraten, 12 *International and Comparative Law Quarterly* p. 148, "The United Kingdom joins an Uncommon Market: The Hague Conference on Private International Law".

The Convention on Civil Procedure has proved, to judge by the number of ratifications and adhesions, to be one of the most needful Conventions of the Hague Conference. It deals with arrangements for the service of judicial and extrajudicial process, for letters rogatory, for security for costs and damages in proceedings, for free aid in court and, further, for the free issuance of extracts of records of civil status.

Eighth Session (1956)

The first two Draft Conventions adopted in this Session were, in effect, a sequel to the work of the Seventh Session. The move continued away from the law of procedure and the law of persons, and concentrated on economic co-operation between Member States. After the Seventh Session, it was noticed that a large void was created by article 5 of the Convention on International Sales, which stipulated that the Convention would not apply to transfers of property (it being understood that the various obligations of the parties, and especially those relating to risks, were subjected to the Convention), nor would it apply to the effects of sale on third parties. Therefore one Convention was drawn up dealing with the question of the transfer of property, and another dealing with the problem of jurisdiction over these sales. In the former case, the conflict arose between those States wishing to deal with specific situations, and those States desiring to treat the matter generally. A compromise was reached, and article 3 satisfied the States wishing to deal with the subject-matter generally, when it declared that the *lex rei sitæ* governs the transfer of property with respect to third parties to the contract.

The Commission on Jurisdiction, due to a lack of time, concentrated its efforts on the case where the parties stipulate a jurisdiction in their contract, and was concerned with the definition of the conditions in which such a clause will be obligatory.

The third and fourth Draft Conventions which were adopted at the Eighth Session dealt with Maintenance Obligations in Respect of Children. Conflict in this matter had been fierce: one State would give preponderance to the law governing the debtor (father), another would sanction the application of the law governing the child's personal status. The distrust with which one State regarded the judgment of another was noticeable. The solution of the Draft Convention was to sanction in principle the use of the law of habitual residence, thus again avoiding any difficulties inherent in the notion of "domicile". But this Convention dealing solely with the applicable law could not suffice without the addition of a Convention on the Recognition and Execution of Decisions concerning Maintenance Obligations in Respect of Children. This latter Convention, modelled on drafts established already at Rome and Geneva, set out the conditions for recognition, while forbidding any re-examination of the factual merits of the case, and sanctioned for this purpose not only the jurisdiction of the authorities of the State where the debtor is habitually resident, but also that of the authorities of the State of the creditor's habitual residence.

Ninth Session (1960)

The three Conventions achieved during this Session were totally diverse in their subject-matters. The first was a Convention on "légalisation". This Convention abolished the requirement of diplomatic or consular legalisation for foreign public documents. By the "apostille" system a certificate is obtained, which describes the origin of the document, the capacity in which the person signing it has acted, and the name of the authority which has affixed the seal.

The Convention dealing with the formal validity of wills adopted a most welcome liberality, providing 10 different laws by which the formal validity of a will could be tested.

For the first time, a solution was given to the problem of the ascertainment of the applicable law in a non-unified legal system. This is a revolutionary clause, and one which, it is hoped, will solve the difficulties occasioned by cases similar to *Re O'Keefe*[10]:—

> "For the purposes of the present Convention, if a national law consists of a non-unified system, the law to be applied shall be determined by the rules in force in that system, and failing any such rules, by the most real connexion which the testator had with any one of the various laws within that system." (article 1, par. 2.)

A further welcome and unique disposition to be found in the Convention is article 5, which tackles the problem of characterization ("qualification") which for so long had been tactfully avoided:—

> "For the purposes of the present Convention, any provision of law which limits the permitted forms of testamentary dispositions by reference to the age, nationality or other personal conditions of the testator, shall be deemed to pertain to matters of form. The same rule shall apply to the qualifications that must be possessed by witnesses required for the validity of a testamentary disposition."

The third Convention, drawn up in 1960, was inspired by one of the pre-war Hague Conventions—The Convention to Regulate the Guardianship of Infants.[11] It was obvious that, due to the change in the concept of guardianship over 60 years and due to the ever-increasing migration movements, the 1902 Convention was ill-suited to deal with the cases of the present day. A new Convention was needed; this is evidenced by the change in title to "Convention concerning the Powers of Authorities and the Law Applicable in Respect of the Protection of Infants."

The traditional conflict (domicile or nationality) regarding the law competent to regulate questions of personal status here was happily solved first by declaring the authorities of the State of habitual residence competent, secondly by stipulations that the authority shall apply its own domestic law, even though the conflicts rule of the country to which it belongs should direct that court to apply a foreign law. A shift of emphasis can be noticed here, in so far as the Conference preferred to deal with the jurisdictional problem initially,

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10 [1940] Ch. D. 124; [1940] 1 All E.R. 216.

11 This Convention is still in force between the following States:—Belgium, Germany, Hungary, Italy, Luxembourg, The Netherlands, Poland, Portugal, Rumania and Spain. Switzerland has ratified the 1960 Convention.

and then subsequently solve the choice of law problem. The provisions have been said by one commentator to be doubly advantageous for:—

> "First [they are] realistic. The law of the country where the infant actually lives is the best qualified to take measures of protection concerning him. The argument holds both for the applicable law and for the powers of the authorities. Next, the coincidence of the conflicts of authorities solution and the conflicts of law solution introduces a particularly precious simplification into a Convention which will be applied not only by judicial authorities and even occasionally by semi-official or private organisations, but often by administrative authorities. In these circumstances, a simple conflict rule was needed. And no rule could be simpler than that directing each authority to apply the measures provided by its own domestic law."[12]

The national law is not totally ignored and figures in articles 3, 4 and 5 par. 3. Yet it is important to notice that this law and these authorities are ancillary to those of the habitual residence, as can be seen for instance in article 4, which provides for an optional intervention of the State of the infant's nationality. Such an intervention has to be of an exceptional character (it must only operate when the interests of the infant so require) and presupposes that the authorities of the State of the infant's habitual residence have been informed.

Tenth Session (1964)

An interesting balance was achieved in this Session, one Convention being devoted to procedural matters, one to personal matters, and the third basically pertained to the realm of contract. Israel, the United States and the United Arab Republic had become Members since the Ninth Session. A joint proposal by the United Kingdom and French Delegations caused English to become an official language for the Tenth Session alongside the original language of the Conference, French.

The Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters was inspired by assistance from the American Delegates and co-operation from civil lawyers unfamiliar with concepts such as "due process" and with the generous system of international judicial assistance obtaining within the United States. The Convention provides for a government-sponsored "Central Authority", which will undertake responsibility for the service of papers emanating from countries which are signatories to the Convention. The flexibility and simplification apparent in the Convention are its noteworthy features. It sets up a non-mandatory system which is open for use to an applicant, while at the same time it leaves States a certain freedom in dictating the channels of communication. It must be admitted that the States of the civil law systems made great sacrifices, which may turn out to be beneficial to them, while the Convention was widely acclaimed in America. One commentator wrote:—

> "To summarise, the Convention should not impose substantial burdens on the Department of State, over and above those already existing

12 Loussouarn, *Journal du droit International* 1961, p. 688.

> under s. 1781 of the new Act,[13] should not change the procedures under the Federal Rules or our new Act; and should markedly improve procedures abroad for the benefit of the U.S. courts and litigants."[14]

Recently the Permanent Bureau has been notified that the Senate of the United States has unanimously approved this Convention. This step opens the door for ratification.

A compromise was again reached regarding the clash of the laws of nationality and domicile in the Convention on International Adoption of Children. As a logical corollary to the Convention regarding the Protection of Infants, this Convention sanctions the use of the concept of habitual residence. The Convention applies to adoption by a person or by a married couple, of a child under 18 years of age who has not been married and who is an "habitual resident" of a Contracting State and a national of a Contracting State. Jurisdiction is vested by article 3 in the authorities of the State of their nationality. These authorities apply their internal law but account must be taken, by the authorities of the habitual residence of the adopters, of the national law of the adopters (especially where that law forbids adoption, and with respect to the question of consents).

The Convention on the Choice of Court sets up a court as being exclusively competent in matters not belonging to the realm of family law, succession law, maintenance, bankruptcy, or immovable property. An interesting provision in article 3 causes the Convention to apply, whatever the nationality of the parties. Parties may, by agreement, designate as competent either:—

> "(1) the courts of one of the Contracting States, the particular competent court being then determined (if at all) by the internal legal system or systems of that State, or
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> "(2) a court expressly named of one of the Contracting States provided always that this court is competent according to the internal legal system of that State." (article 1)

This Court is to be exclusive except in special defined circumstances set out in article 6.

The Tenth Session did not find time to deal with the recognition and enforcement of foreign judgments which was originally on the agenda. It thus suggested that an Extraordinary Session be held, which was convened in April 1966 and concluded a Convention on this subject. This Convention sets out, for the purposes of civil and commercial judgments (a term which is defined fairly narrowly) certain grounds of jurisdiction which would be considered as internationally valid, and a judgment founded on such a ground of jurisdiction would demand recognition and enforcement in any other Contracting State.

At the request of the United Kingdom and United States Delegations, a Special Commission was convened to draft a Protocol to this latter Convention to deal with the recognition and enforcement of decisions rendered on the basis of certain grounds of jurisdiction *not* listed in the Convention. The Protocol in its final form lays down certain grounds of jurisdiction which are to be considered inter-

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13 Federal Law No. 88-619 of 3 October 1964.

14 P. Amram 59 *American Journal of International Law* (1965), at p. 87.

MEMBER STATES Represented at the 7th, 8th, 9th and 10th Session except in so far as mentioned in the notes.	Civil Procedure	Sale	Transfer of Property	Sale—Choice of Court	Law of nationality—Law of Domicile	Recognition of Companies	Maintenance Obligations (Applicable Law)	Maintenance Obligations (Recognition and Enforcement)	Protection of Minors	Form of Testamentary Dispositions	Legalisation	Adoption	Service abroad	Choice of Court
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Austria	*R*			S			*R*	*R*	S	*R*	S	S		
Belgium	*R*	*R*		S	*R*	*R*		*R*					S	
Denmark	*R*	*R*						*R*		S				
Finland	*R*	*R*						S		S	S		S	
France	*R*	*R*			S	*R*	*R*	*R*	S	S	*R*		S	
Germany	*R*			S			*R*	*R*		*R*	*R*		S	
Greece			S	S			S	S		S	S			
Ireland														
Israel													S	S
Italy	*R*	*R*	*R*				*R*	*R*	S	S	S			
Japan										*R*				
Luxembourg ..	*R*	S		S	S	*R*	S	S		S				
Netherlands	*R*	S			*R*	*R*	*R*	*R*	S		*R*		S	
Norway	*R*	*R*					S	*R*		S				
Portugal	S						S				S			
Spain	*R*	S			S	S	S							
Sweden	*R*	*R*						*R*		S				
Switzerland	*R*						*R*	*R*	*R*		S			
Turkey											S			
United Arab Republic													S	
United Kingdom ..										*R*	*R*	S	S	
United States of America													S	
Yugoslavia	*A*								S	*R*	*R*			
OTHER STATES														
Liechtenstein* ..											S			
Hungary	*A*							*A*						
Poland	*A*													
Czechoslovakia ..	*A*													
City of the Vatican ..	*A*													

S = Signature *R* = Ratification *A* = Accession

General Remarks:

1. States are permitted to sign the Conventions drawn up in the Sessions in which they participate, and to accede to other Conventions after their entry into force. Yet Ireland, Turkey, Iceland and Liechtenstein are permitted to sign the Convention on Legalisation (No. 12).

2. Certain signatures and ratifications have been accompanied by declarations or reservations authorised by the Conventions. Furthermore certain Conventions have been extended in scope territorially. Further information can be obtained from the Permanent Bureau of the Conference—66A Zeestraat, The Hague.

*Liechtenstein is a non-member, permitted to sign the Convention on Legalisation.

nationally exorbitant, so that a decision rendered on the basis of one of them will not be recognized or enforced in a Contracting State against persons having their habitual residence or domicile in a Contracting State.

It is hoped that by this very summary survey of the Conventions, the diversity of subject-matter and ingenuity of approach, as well as the spirit of co-operation abounding in the Conference, have been faithfully portrayed.[15]

[A list setting out the present state of ratifications of, and accessions to the post-war Conventions appears at p. 126.

15 At the Eleventh Session in October 1968, three Draft Conventions were adopted, to be submitted for appreciation by the signatory Governments: (1) A Convention on the Recognition of Divorces and Legal Separations. (2) A Convention on the Law Applicable to Traffic Accidents. (3) A Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.