THE NINTH HAGUE CONFERENCE OF PRIVATE INTERNATIONAL LAW

By

R. H. Graveson

I. Introduction

The Ninth Hague Conference of Private International Law took place in October 1960. It is trite to comment on the significance of the Netherlands as a centre for meetings concerned with international law, for the history and tradition of that country are alike well known. But it may be of practical and contemporary interest to observe that international lawyers, whether public or private, who meet in Holland are not usually devoid of a consciousness of the international community to which they belong, and in a way may be making a pilgrimage to one of the holy places of international law. This psychological inclination towards the subject of their meetings is greatly strengthened when the latter take place under the shadow of the Peace Palace and when, as sometimes happens, delegates may occupy their spare moments by sitting in the International Court of Justice to hear proceedings in progress. But for members of the United Kingdom delegation especially, such occasions during this Conference were saddened by the absence from the Court of Sir Hersch Lauterpacht, to whose memory we dedicate this small tribute in friendship and affection.

Eighteen nations sent their delegates to the Ninth Hague Conference,[1] while the United States of America was represented by a strong delegation of observers. Observers also represented the United Nations, the Council of Europe, International Social Service, the Commission Internationale de l'État Civil, the International Institute for the Unification of Private Law, the International Union of Huissiers de Justice and Judicial Officers and the European Economic Community. Yet this important array of nations and international organisations gives no indication of the many more legal systems represented at this Conference. One of the tasks, indeed, of the Conference was to devise a formula which would identify a specific legal system where a reference to the law of nationality led to the application of a non-unified group of systems,

[1] Austria, Belgium, Denmark, Finland, France, Germany (Federal Republic), Great Britain, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Yugoslavia.

such as the law of the United Kingdom. The score of the legal systems represented was, indeed, several times greater than the count of the nations representing them.

The work of the Conference was positive and its character constructive, alive and evolutionary. It was marked first from the point of view, not only of the United Kingdom but perhaps of the majority of participants, and above all from a point of view of the Permanent Bureau, by the greater positive participation of the United Kingdom in the work of the Conference. It was characterised in the second place by a realisation of new and additional methods that could be adopted for achieving the purpose of the Conference. This purpose, as set out in Article 1 of the Statute of the Hague Conference,[2] is to work towards the progressive unification of private international law.[3] It was characterised in the third place by the introduction of new legal ideas, and most notably a United Kingdom proposal for identifying the applicable law in cases of reference to a non-unified system. Finally, it looked forward in the attention it was giving to new and urgent problems and, in particular, to the great post-war social problem of the adoption of foreign children and, in a less urgent sense, to the general question of recognition of foreign judgments and decrees and decisions relating to matters of personal status. It may be of interest to draw attention to some of the more striking features of these matters, and it is proposed to follow broadly the programme laid down by the organisers of the Conference itself. When the Conference ended three conventions had been established, on the Abolition of the Requirement of Legalisation of Foreign Official Documents, on Conflicts of Law concerning the Form of Testamentary Dispositions and on the Competence of Authorities and the Laws applicable regarding the Protection of Infants. There were, in addition, a number of resolutions to which reference will be made. For convenience of reference the French text of the *Acte Final* of the Conference together with an English translation is reproduced at the end of this article.

II. LEGALISATION

The first convention related to legalisation, or the process by which the signature or seal on a document is deemed to have been authenticated so that the document may thereafter be received without further proof so far as concerns signing and sealing. The problem of legalisation is the problem of Atlas holding up the world. It is the problem of bringing oneself ultimately to accept

[2] Cmd. 9582.
[3] See below, section VI.

some signature or some seal without legalisation. The Convention was the result of a proposal from the Council of Europe, originating in a United Kingdom suggestion to the Committee of Ministers, to abolish, or at least to reduce, the extent to which legalisation was required and, in particular, to try to eliminate the present insistence on what is sometimes called chains of legalisation in respect of the same document. On the basis of an excellent report of the existing law in various countries by Monsieur Georges Droz, Secretary at the Permanent Bureau of The Hague, a Special Commission had drawn up a project for a convention, the effect of which would have been to abolish legalisation in respect of all public acts of a judicial nature and to substitute for other public acts or official documents a simple form of certificate for the existing requirements of legalisation. This proposal, supported by the reasoning of the distinguished Rapporteur of the Special Commission, Professor Yvon Loussouarn, seemed to offer a hopeful basis for a general convention. No question arose of the legalisation of the contents of foreign documents; the question related solely to authentication of the signatures and seals upon them. Certain difficulties were experienced in classifying across national frontiers acts as being of judicial or non-judicial origin for the purpose of a convention, but the difficulties did not seem so great as to justify a proposal that was made during the discussions that the distinction between the two kinds of official acts should be abandoned and that judicial as well as non-judicial signatures and seals should be equally subject to the substitute provision of the new certificate. This proposal, however, was accepted and the more liberal view of the United Kingdom delegation was outvoted.

Nevertheless, the Convention as it finally emerged can be of considerable value. The process of the certificate (*apostille*) applies to *actes publiques*, an expression of civil law, which, it was agreed, could be satisfactorily represented by the English words "public documents." Where legalisation of a public document was formerly required it may now be replaced by the addition of the simple certificate, either stamped by a rubber stamp on the document itself, or put on a separate piece of paper firmly attached to the public document. The certificate 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 or stamp. With a project of a convention that set out to abolish legalisation this solution may seem a kind of backward progress. To some extent it is true that the retention of this formality indicates a yearning for the rubber stamp. On the other hand, there is no absolute requirement that the formality of the certificate shall be

used. The Convention allows it, but does not compel it to be used; those cases which are at present free from legalisation will remain so. It is believed that the provisions of the Convention will improve existing practice in this matter.

III. THE FORM OF WILLS

The history over the past four years of the 1960 Hague Convention on Conflicts of Law concerning the Form of Testamentary Dispositions might well be taken as a model of how things could, and perhaps should, be done. At the Eighth Hague Conference of Private International Law the United Kingdom delegation put forward its proposal for consideration of the topic of the conflict of laws relating to the form of wills as a possible subject for a convention. The proposal was modest in scope: it did not deal with questions of capacity to make wills, their essential validity, or the broader questions of general succession. It was to deal merely with the form of wills; but despite its modesty it was welcomed warmly in 1956 because it represented a positive and constructive proposal by the United Kingdom to the Hague Conference.

The history of the proposal followed two separate courses during the ensuing four years, one at The Hague and one in the United Kingdom and Commonwealth. At The Hague the proposal was made the subject of a detailed and careful report by Monsieur Alfred von Overbeck, one of the Secretaries of the Permanent Bureau of the Conference. His report was published in June 1958, and formed an invaluable basis for the further study by a Special Commission of members of the Hague Conference under the eminent chairmanship of Monsieur L. A. Nijpels, with Professor Henri Batiffol as its equally distinguished Rapporteur. The Special Commission assembled in May 1959 and produced a draft convention on the law applicable to the form of testamentary dispositions. This draft convention was the basis of the work of the Ninth Hague Conference in October 1960, work which led to a most successful convention.

Meanwhile, in the United Kingdom the subject of the form of wills had been referred to the Lord Chancellor's Private International Law Committee, with the following terms of reference: " to recommend what alterations, if any, are desirable in the rules of the private international law of the United Kingdom relating to the formal validity of wills." The present state of the law, the need for reform (particularly of the Wills Act, 1861) and the proposals for reform may all be read in the Fourth Report of the Private International Law Committee, presented to Parliament

in June 1958.[4] Extensive consultation took place throughout the Commonwealth on the desirability and practicability of the proposed reforms.

The aim of the Convention is to provide a wide choice of alternative legal systems in accordance with which the testator might make a valid will, so far as concerns its form. Accordingly, as will be seen, Article 1 validates a will as to form if complying with the law of the place where it was made, the law of the testator's nationality at the time of making the will or at the time of his death, of the place of domicile at either of those times, or the place of the testator's habitual residence, either at the time of making or the time of death, and, finally, so far as immovables are concerned, the law of the place where they are situated.

It might well be thought that a testator under the new convention could hardly fail to make a valid will, in so far as concerns its form. Several doubts nevertheless remain; the alternatives provided under Article 1 (*a*) and (*e*), namely the place of making and the *lex situs* of immovables, make no reference to the time as of which the law applicable shall be taken, whereas Article 1 (*b*), (*c*) and (*d*), relating to the nationality, domicile and habitual residence of the testator, all refer to the double alternative of the time of making the will or the time of death. Yet it is obvious that in cases (*a*) and (*e*) the law itself may change between the time when the will is made and the date of the testator's death. The Convention does not state which date is relevant; and one would presumably be thrown back on the general rules of private international law. So far as English law is concerned the rule is probably that the form of the will depends on the law applicable to it at the date of the testator's death and not at the date of the making of the will, if a change has taken place in the interval. Yet this doubt as to the applicable time through a change of law is not confined to cases (*a*) and (*e*), but applies to all of them. It is simply that in the other cases of nationality, domicile and habitual residence a second factor of time is relevant, a factor of which account has been taken. This factor of time refers to changes in the applicable law caused by the testator's own act and not by a general change in the law independent of anything he does. It depends, in other words, on a new law becoming applicable through a testator himself changing his nationality, his domicile or his habitual residence. Yet it is obvious that whether he changes these matters or not the law of his nationality, his domicile or his habitual residence itself may change between the date of the making of the will and the date of his death. In such cases again it is thought that the law

[4] Cmnd. 491.

of the place at the date of the testator's death would be decisive according to present rules of English private international law. Yet, in view of the general liberality of this Convention and of the policy of giving as many alternatives as reasonably possible to a testator; in view also of the alternative times available where a testator himself is responsible for a change of applicable law, no good reason is seen why reference in all the cases under Article 1 should not be made to the applicable law at the date when the testator made the will, or at the date of his death, whichever is necessary to give formal validity to his will.

The second paragraph of Article 1 represents an attempt by the United Kingdom delegation to solve the problem of which an instance appeared in *Re O'Keefe*.[5] Difficulty arises where the nationality of a testator covers not one, but several legal systems. In order to make sense of the reference to the law of nationality in such cases the proposal was made in the terms of paragraph 2 of Article 1, that "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 that law within such system with which the testator had the closest connection." In this choice of law rule it is interesting to see how the formal reference to the domicile of origin has been abandoned in favour of the idea of the objective proper law, or the law with which a person has the most real connection for a particular purpose. As we shall see in discussing the Convention on the Protection of Infants, the same type of provision was included in that Convention, again at the suggestion of the United Kingdom delegation, and it may well be that this clause will become a standard form in conventions where it can be appropriately included. It is certain that it will be of great help to civil-law judges in determining the specifically applicable law in cases of reference to British nationality, United Kingdom citizenship, American citizenship and similar instances. It may be, too, that it will offer a helpful guide to British courts in selecting a more realistic basis of connection between a testator and a law applicable to the validity of his will. The Private International Law Committee apparently found difficulty in solving this problem [6]; but it is thought that the formula in the Hague Convention, which originated in discussions in the Committee, offers a good solution consistent with modern thinking along the lines of a general concept of proper law.

If Article 1 overflows with substantive proposals it also bristles with difficulties. Not all of them are yet apparent, but one which

[5] [1940] Ch. 124.
[6] Cmnd. 491, para. 11 (*a*).

came to light in the discussions at The Hague was the concluding provision of the Article, that "the determination of whether or not the testator had his domicile in a particular place shall be governed by the law of that place." This choice of law rule for classification of domicile in favour of the *lex causae*, rather than the traditional rule of the *lex fori*, is contrary not only to the practice of the English courts, but apparently of most Continental courts. Nevertheless, while the delegations of civil law countries were prepared to support this departure from principle, the United Kingdom delegation felt with justification that the English courts had made themselves quite clear in their views, that whether any person has a domicile for the purposes of English law must be determined according to the concepts of English law. Several decisions have supported this view, the most notable being perhaps *Re Annesley*.[7] The solution to this difficulty was found by the addition of Article 9 on the United Kingdom proposal that each contracting State may reserve the right to determine in accordance with the *lex fori* the place where the testator had his domicile. At the root of the difficulty, as is well realised, lies the difference in concept between domicile in English law and domicile in most other systems. It may be thought justifiable to employ the device of a reservation to avoid the consequence of non-ratification. It is the lesson of the Hague Convention of 1951 to Regulate Conflicts between the Law of the Nationality and the Law of the Domicile.[8]

Article 2 of the Convention applies the provisions of Article 1 to testamentary dispositions revoking an earlier testamentary disposition, so that any revocation should be valid if it follows one of the alternatives prescribed by Article 1. It should be noted, however, that the revocation must be made by a testamentary disposition, which in effect means a will, whether made orally or in writing, and it does not, therefore, extend to revocation by destruction, burning or cancellation, or as a secondary consequence of some other act such as marriage.

The general provisions are in addition to, not in substitution for, existing rules. They apply not merely to single wills but to joint documents, in providing by Article 4 that the Convention shall apply to testamentary dispositions made by two *or more* persons. The Conference was thinking beyond the normal case of husband and wife in a monogamous union and contemplating dispositions among other members of a family, such as brothers and

[7] [1926] Ch. 692.

[8] See First Report of the Private International Law Committee (Cmd. 9068), paras. 30–34. These paragraphs should now be read in the light of the subsequent history of domicile in the United Kingdom.

sisters, or even dispositions in a polygamous family; for the Convention may well be found acceptable in many parts of the Commonwealth in which the law of marriage and succession is very different from the law in England.

We have the authority of Lewis Carroll for the proposition that one can make words mean anything one wishes. Article 5, therefore, should not cause surprise when it says that " 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." One would have thought that they were questions of capacity; capacity, that is, to make a will in the particular form to which reference is made. The provision of Article 5 is limited to the purposes of the present Convention and may be thought to justify this cavalier treatment of concepts by the valuable conclusion of determining all relevant questions by a single law, the law applicable to the form of wills. According to Article 5 the same rule shall apply to the qualifications of witnesses of a will.

The Convention contains several other matters of minor interest, and provision for the possibility of more reservations than one would expect to see in an ideal attempt to unify the rules of private international law. One point of greater interest that remains, however, is the statement in Article 6 that " the application of the rules of conflicts laid down in the present convention shall be independent of any requirement of reciprocity." The Convention would thus seem to represent an example of valuable and disinterested work towards the unification of rules of private international law, whether the countries benefiting from it were or were not members of the Hague Conference. Since the Convention represents the harvest of four years' growth from a seed sown by the United Kingdom delegation, it is widely hoped that it will be ratified, and it is believed that its provisions, if enacted by legislation in the United Kingdom and Commonwealth, would clarify and improve our law very greatly. Is it too much to hope that 1961 may be the year for repeal of the Wills Act, 1861?

IV. THE PROTECTION OF INFANTS

In 1956 the Eighth Hague Conference decided to re-examine the Conventions of 1902 on various aspects of family law, in view of changes that had taken place in the basis of personal law and jurisdiction over the person since that date. It decided to proceed by taking as a pilot project the Convention of June 12, 1902, on the *Tutelle* of minors, and appointed a Special Commission under the

chairmanship of M. Holleaux, Judge of the French Cour de Cassation, with M. L. Marmo, Counsellor at the Court of Appeal of Rome, as Rapporteur. On the basis of answers received to a questionnaire a report was made and a draft convention put forward in April 1960. It may be doubted whether the Convention on *Tutelle* was well chosen as the pilot project for the whole body of family-law conventions, for it was built around the one main concept, the Roman *tutela*, in which civil law and common law countries had the least in common. The United Kingdom was unable to interest itself greatly in a convention dealing with a matter which had no very close counterpart in English law, quite apart from the nationality basis on which in most Continental systems it was founded. The difficulties and conflicts in the existing law became manifest in the *Boll Case*, decided by the International Court of Justice on November 28, 1958. A new draft convention was produced, however, and in the course of its development it became clear that it would deal with the general protection of infants, both as to the applicable law and the jurisdiction of competent authorities, and would not be limited to *tutela* in the civil law sense. Secondly, the strict basis of nationality had been abandoned as the criterion of choice of personal law. Article 1 of the Convention, it will be seen, gives competence to the authorities, judicial or administrative, of the State of the habitual residence of an infant to take measures directed to the protection of his person or property. The measures they shall take are those provided by their internal law. Authority is preserved, however, to the State of the infant's nationality; while in cases of urgency any contracting State, in whose territory the infant or his property is, may take any necessary measures of protection.

At a late stage in the lengthy discussions of the commission dealing with the protection of infants a proposal was made that the provisions should not prejudice the existing jurisdiction of courts dealing with matrimonial causes to make orders for the custody and care of infants as matters ancillary to their principal jurisdiction (Article 15). This provision permitting a reservation would seem to open the way for the United Kingdom to consider the question of the value of this Convention in ensuring the recognition in other countries of orders as to custody made in courts of the United Kingdom in the course of matrimonial proceedings. As in the case of the Convention on the Form of Testamentary Dispositions, it was thought desirable to insert in this Convention an explanation of a reference to the law of nationality when that reference required more specific attachment to a particular legal system. Article 14 of the Convention embodies the provision.

The technical discussions on conflicting jurisdictions, many of which proceeded from a feeling of nationalism in certain delegations, gave a sense of unreality to the problem of children in need of care. Perhaps the representative of International Social Service, who attended the Conference as an observer, made the greatest contribution in emphasising the need at all stages for consultation among the different courts and authorities concerned with the welfare of a child, whatever the substantive choice of law rules or those for the choice of jurisdiction might now, or eventually, be.

V. THE GENERAL COMPETENCE OF THE COURT CHOSEN BY AGREEMENT OF THE PARTIES

This somewhat long title for the French expression *for contractuel* covers the topic discussed at length by the Ninth Hague Conference on the basis of an Austrian proposal accompanied by a draft convention, establishing the bases on which parties might by agreement confer jurisdiction on the courts of a specified country. The preliminary discussions on this subject had not gone far, in the sense that no special commission had been established, and the only report on which discussions could take place was a memorandum of the Permanent Bureau of the Hague Conference. This memorandum set out the relevant considerations in favour of and against such a proposal, together with the statements of the law of various countries and the results of certain research. The Eighth Hague Conference had adopted a Convention on the Competence of a Court chosen by Parties to a Contract for the International Sale of Goods. The Austrian view was that a convention might well deal with other matters than jurisdiction over questions relating to sale of goods, and hence proposed the wider discussion now being considered. The issue was complicated, however, by the existence at the same time of a Belgian proposal for a more general convention on the recognition and enforcement of judgments, while in the background there existed two other proposals of which the Ninth Conference had been made aware. The first proposal, for a general convention, had been made by a United Kingdom representative at the Council of Europe; while the second was the proposal of the International Law Association, emanating from its 1960 meeting at Hamburg, for the establishment of a model law relating to the recognition and enforcement of judgments. Only the first two proposals, those of Austria and Belgium, were considered at length; but they were considered together, and the relative merits examined of a limited or a general convention in the sense of the two proposals.

One question of interest that arose in the discussions on the *for contractuel* was the choice of law to govern the contract by which parties agreed to give jurisdiction to a particular court. On the one hand it was suggested that the governing law should be that of the forum chosen, since the question was a procedural one of jurisdiction. This view is supported by decisions of the Italian courts. As against this it was maintained that the substantive transaction was in effect the contract and that the ordinary rules of contract would not normally refer to the *lex fori* for their validity. Inherent in this discussion is a question of classification of the agreement on the competent forum. Is such an agreement a matter of substance or of procedure? When analysed it seems to break down into clear parts: on the one hand is the substantive concept of contract and on the other the subject-matter of the contract, which might be sale of goods, or rendering of services, but in the particular case happens to be procedure. From the point of view of choice of law it would seem that the substantive concept of contract is the more important and it is that which should determine the question of choice of applicable law.

After long discussions the Conference referred the general question of the scope of a convention to the Permanent Bureau in terms which may be seen in Item B (I) of the Final Act printed below. The interest of many members of the Conference in this subject was limited, partly because they preferred the method of bilateral conventions on the enforcement of foreign judgments. The latter course enabled them to take more adequate account of the peculiarities of one another's procedure than would a general convention. Moreover, it enabled members of the Conference to control the extent of their commitment in respect of foreign jurisdictions. Such considerations as these will doubtless affect the future of discussions which will take place on the choice of forum and the recognition of judgments.

One incidental matter of great value, however, was so closely associated with the discussions that it may almost be thought to emerge from them. It was a decision that the question of a convention on the recognition of judgments relating to matters of personal status should be pursued. The Final Act, Item B (II), refers to the recognition of judgments in questions of personal status, but it was made abundantly clear by question and answer in the proceedings of the Conference that the recognition of personal status would not be excluded from the general consideration merely because its determination arose from some means other than a judgment, for example, from a legislative decree (as in the case of divorce in the Province of Quebec) or from some unilateral personal act (such as

the Moslem form of divorce) independent of the intervention of any official body, judicial, legislative or executive, or in the form of some executive decree (as in the case of the Danish divorce). Underlying the idea of a convention on this subject is the need long felt by the Hague Conference to overcome problems as between nationality and domicile in the field of personal law. The imaginative and gallant attempt in the Convention of 1951 to resolve conflicts between the law of nationality and the law of domicile is still a striking testimony to the concern of the Conference with this question. It is a Convention which has not lost its value with the passing years. The proposed study of the recognition of judgments in the matter of personal status also is connected with the general need to revise the Hague Conventions on family law, of which that on the welfare of infants is, as we said, the first and pilot project.

VI. MODEL LAWS

One of the most significant decisions taken at the Ninth Hague Conference was that relating to model laws, of which the formal text may be found as Item B (V) of the *Acte Final*. At the Eighth Hague Conference of 1956 the United States observers, who were present for the first time and included Mr. Barrett, the Chairman of the National Commissioners on Uniform State Laws, made the suggestion that the system of formulating a model law might in certain cases be more useful than that of establishing a convention on a particular topic.[9] The suggestion was based on the difficulty of certain countries in adhering to conventions because of a lack of treaty-making power, a reluctance among many States, even members of the Hague Conference, to bind themselves unnecessarily by international obligations in the acceptance of conventions and the utility of the example of uniform laws in the United States. Because of the similar interest of the British Commonwealth, including as it does so many different legal systems of countries with no treaty-making power in their own right, the United Kingdom delegation supported the American proposal in 1956 and again in 1960, when it was discussed at considerable length. It was a welcome opportunity to further Anglo-American co-operation and no less to promote the aims of the Hague Conference itself as laid down in Article 1 of the Statute of the Conference. The terms of this Article are short, simple and satisfying; they are as follows: "The purpose of the Hague Conference is to work for the progressive unification of the rules of private international law."[10]

[9] Discussed by P. W. Amram, *Uniform Legislation as an Effective Alternative to the Treaty Technique*. Proceedings of the American Society of International Law, 1960, pp. 62–67.

[10] Cmd. 9582.

The history of the Hague Conference has been one of endeavour to unify private international law by means of international conventions, but the extent of ratification of the Hague conventions has been disappointing in many respects. It was appropriate that the question of methods should be reconsidered. On the one hand there were certain types of international unification which could only be achieved by States agreeing to them undertaking treaty obligations to make appropriate changes in their internal law. An example of this type of convention would be one relating to the recognition and enforcement of foreign judgments. On the other hand, it was possible to imagine projects for the unification of private international law in many fields in which no question of reciprocal obligation was involved and to which other forms than those of an international convention might be appropriate. The Convention on the Formal Validity of Wills, concluded at the Ninth Conference, might well serve as an example of the kind of convention that could usefully form the subject of a model law for adoption by any country that wished to take advantage of it. One other consideration which went deep into the tradition, as well as the character, of the Hague Conference was the need to preserve its quality and standing as a diplomatic Conference on an intergovernmental level, rather than a simple gathering of legal experts (if simple may be properly understood) to devise the most suitable solution in a particular field. It was suggested that by providing model laws for the whole world one might render membership of the Conference itself less attractive to the members who were paying towards its work. On the other hand, the Conference was aware of the problem not only of non-sovereign States who wished to unify their rules of private international law with those of other countries, but also that of small States, having treaty-making powers, but possessing neither sufficient money nor a sufficient number of qualified delegates to permit of representation at the Hague Conference. This latter problem was solved in the case of the Convention on Legalisation, discussed above, for Article 10 of that Convention opens it to signature by both Liechtenstein and Iceland, neither of which had membership or representation at the Conference. In the result it is probably best to allow the formal resolution to speak for itself in the terms of the translation of the Final Act.

VII. SERVICE OF PROCESS

Questions of procedure, and in particular of service of process, have been a recurrent problem before the Hague Conference since its inception. A general Convention on Civil Procedure of 1954 dealt

partly with this problem, but it remained for the Ninth Conference to consider in greater detail the particular aspects of service which were causing delay and injustice. The International Union of Huissiers de Justice and Judicial Officers had presented a memorandum which set out some of the present difficulties and proposed certain practical solutions. One of the difficulties, for example, is the procedure which apparently obtains in France and certain other countries whereby service of process can be made on a foreign defendant by giving notice of the proceedings to the French *parquet*. The memorandum of the process servers cited several instances to support their contention that a formal technical service of this kind was sufficient to bind the defendant, even though notice of the proceedings never reached him until after judgment had been given against him. The judgment was unimpeachable on the ground that the defendant had never been properly notified. These and other cases persuaded the Conference to remit the whole question of service of process to study by the Permanent Bureau of the Conference. This appears to be a case in which a good deal of useful work could be done by direct negotiation between the countries concerned, possibly with the assistance of the Permanent Bureau. The solutions proposed for service of process, not only by diplomatic means but also at the same time by the transmission of copies direct to process servers in the defendant's country of residence, would seem to indicate a sensible and practical solution of an unnecessary injustice. In this as in so many cases it may be enough to draw attention to the need for change to ensure that change is willingly undertaken.

VIII. ADOPTION

The most important problem touched on by the Hague Conference in terms of social magnitude and the inadequacy of existing rules of private international law was that of adoption. Having considered a specific draft Convention on the Protection of Infants, it seemed appropriate that the Conference should proceed to consider the more special problem of infants' welfare under the name of adoption. The Council of Europe had itself devoted careful consideration to problems of adoption which have increased in magnitude and complexity in recent years, as has been well recognised in the internal law of many countries. It had realised the threefold aspects of the problem in first obtaining a thorough report of the social considerations, secondly, in collaborating with the Rome Institute for the Unification of Private Law on the unification of the internal laws of various countries on this subject, and

finally, so far as concerned the unification of rules of private international law, in leaving the question to the Hague Conference. At a time when the movement of large numbers of children across national frontiers has become, first, a sad consequence of war and displaced populations, and secondly, a natural consequence of the ease of travel in our age, the rules of private international law assume an enhanced importance. For many years we have complained of the inadequacy of English rules of conflicts of laws relating to adoption, rules which are chiefly notable by their absence.[11] Several years ago it was proposed that this subject should be referred to the Lord Chancellor's Private International Law Committee, but the Committee has so far been fully occupied with other important topics. Now, however, the Hague Conference has unanimously agreed to establish a special commission to study the conflicts of law and jurisdiction in the case of the adoption of a child by one or more persons not having the same nationality as he, or living in a different country. It has asked the Netherlands State Commission to require the Permanent Bureau to go forward with the study and consultation necessary for the preparation of the work of the Special Commission and to make suitable contacts with other interested organisations, whether governmental or otherwise.[12] This, surely, is an instance in which we might well follow the example of the Convention on the Formal Validity of Wills and refer the matter of adoption to the Lord Chancellor's Committee for a report in preparation for the Tenth Hague Conference when, one supposes, and indeed hopes, a draft convention on adoption will find its place on the agenda of the Conference. There is no single subject in the conflict of laws in which rules of law are so undeveloped or the need for a few systematic principles more urgent.

The final resolution on adoption by the Ninth Conference, however, fails to refer for study the acute problem of the rules for recognition in one country of adoptions taking place in another. We have already referred to the decision to study the general question of the recognition of judgments on personal status, and it may be thought that the recognition of adoptions made abroad might fall within this general provision. There are, however, at least two good reasons why the question of adoption should be dealt with separately. In the first place, the question of recognition of foreign adoptions should be part of a general scheme establishing rules of conflicts of laws, both for choice of law and for jurisdiction, in the whole matter of adoption of children. Secondly, the

[11] Graveson, *Conflict of Laws*, 2nd. ed., 1951, p. 150; 3rd ed., 1955, pp. 169–170; 4th ed., 1960, pp. 184–185.
[12] Item B (IV), *Acte Final*.

resolution of the Ninth Conference is to institute a special Commission charged with studying the question, whereas its resolution in respect of the general question of foreign judgments on personal status is merely to ask the Permanent Bureau to undertake studies and consultations. Furthermore, a general study of the recognition of judgments on personal status might not include questions of adoption since adoption is often not a question of a judgment or its recognition any more than marriage is a question of a judgment. Adoption, as is well known, may arise from some unilateral or bilateral acts of private persons and often takes the form of a contract in certain legal systems. Hence, preferably the recognition of adoption should be included in the general study of adoption, or less preferably the scope of inquiry into the recognition of judgments on personal status should be widened so as to include cases of adoption, whether or not arising from a foreign judgment, just as it now includes cases of divorce arising otherwise than from judicial proceedings.

It is unfortunate that the special commission on adoption is limited in its study to the case of the adoption of foreign children and is not allowed to deal with the general conflicts problems of adoption. The English Adoption Act of 1958 has taken steps to provide specially for the adoption of English children by persons domiciled abroad.[13] The initiative which is thus being followed by the Hague Conference is one that must be welcomed in dealing with one aspect of an important social problem of the post-war years and one in which the law, though gradually evolving, still falls short of the needs of humanity. If the English rules of conflict of laws have been made the subject of special criticism it is not because they are inferior to those of any other system, but because they are the ones with which we are most concerned and which we are most anxious to improve.

IX. LANGUAGE

The official language of the Hague Conference is French. The practice has been developing, however, at the last two or three meetings for English to be used to some extent by representatives of some of the English-speaking or English-using delegations. When this takes place translation into French is almost invariably made, whether or not it is required. Yet the increasing use of English, particularly by some of the Scandinavian delegations (who generally prefer English to French when they have to resort to a foreign language), led the most distinguished delegate and the doyen of the Conference, Monsieur Julliot de la Morandière, to observe that this

[13] Adoption Act, 1958, s. 53.

was the last Hague Conference at which French would be the only language. For the Netherlands organisers of the Conference the problem of language is ironical; since it is simply a problem of which of two foreign languages shall be used, when they might well claim the use of their own. Most foreign delegations at The Hague regret their inability to speak the language of their hosts. At the same time they are bound to admire the extraordinary fluency of the Dutch in the languages of their various guests.

Article 11 of the Statute of the Hague Conference says, " The practices of the Conference shall continue to be followed for all matters which are not contrary to the present Statute or to the Regulations." [14] At the Ninth Hague Conference a common-law interpretation was put upon this Article of the Statute that the practices were an evolving body and that it was the delegates present and their successors who created and established and changed them. Within this context the United Kingdom delegation introduced the practice of inviting all the delegates and observers from English-speaking and English-using countries, who were interested in discussing unofficial English translations of the draft conventions, to meet together to settle an agreed English draft. It seemed appropriate and was unanimously accepted that the member of the United Kingdom delegation responsible for the draft of any particular translation should preside at the meeting which discussed and settled the translation. It should be noted that the Permanent Bureau of the Hague Conference produces excellent unofficial English translations.[15] Nevertheless, such translations cannot have the diplomatic value of English versions agreed by the delegates themselves. Great interest was shown in this innovation by the delegations of Norway, Denmark, Finland, Japan and the observers from the U.S.A. and to some extent by the Swedish delegation. Every one of these English-speaking or English-using delegations had suggestions of positive value to make to English translations, despite the fact that the latter seemed to their makers pretty good at the outset. The three Conventions on Legalisation of Public Documents, the Formal Validity of Wills and the Protection of Infants were thus transformed into agreed English texts. It was realised, of course, that these were only English translations and not official texts, but it may well be that the Scandinavian countries will find it more convenient to base translations into their own language on an English rather than a French version of the conventions. All

[14] Cmnd. 9582.

[15] See, for example, the translation of the preliminary draft of the Treaty on the Jurisdiction and Law Applicable in the Matter of the Protection of Minors, in *Netherlands International Law Review*, Vol. 7, pp. 312–315 (July 1960).

the delegations who took advantage of this possibility of establishing an agreed English translation were grateful for the ready assistance given to them by the Secretary-General of the Conference and his most capable staff. It was a source of gratification to the representatives of the United Kingdom that the President of the Conference in his closing address referred with satisfaction to the new practice.

X. CONCLUSION

One leaves The Hague Conference with two impressions; the first is that one's time has not been spent in vain, that a real effort is being made in all sincerity to solve some of the world's problems of private international law and that for many reasons no better place could be found for doing it than The Hague. Secondly, one cannot speak too highly of the organisation and efficiency of the Permanent Bureau, its Secretary-General, M. van Hoogstraten, and of Professor Offerhaus, whom we were again honoured to have as the President of the Conference. His wisdom, his impartiality, his complete grasp of all the subjects of discussion and perhaps above all his manifest faith in the value of the Hague Conference contributed immeasurably to its success, a success crowned by the most gracious reception of a party of delegates by Her Majesty Queen Juliana.

ACTE FINAL

The text of the *Acte Final* of the Ninth Hague Conference, and its English translation, are set out in the following pages.

ACTE FINAL

Les soussignés, Délégués des Gouvernements de l'Allemagne (République Fédérale), de l'Autriche, de la Belgique, du Danemark, de l'Espagne, de la Finlande, de la France, de la Grande-Bretagne, de la Grèce, de l'Italie, du Japon, du Luxembourg, de la Norvège, des Pays-Bas, du Portugal, de la Suède, de la Suisse, et de la Yougoslavie, ainsi que les Observateurs du Gouvernement des Etats-Unis d'Amérique, se sont réunis à La Haye, le 5 octobre 1960, sur invitation du Gouvernement des Pays-Bas, en Neuvième session de la Conférence de La Haye de droit international privé.

A la suite des délibérations consignées dans les procès-verbaux, ils sont convenus de soumettre à l'appréciation de leurs Gouvernements:

A. LES PROJETS DE CONVENTIONS SUIVANTS:

I.—*Convention Supprimant L'Exigence de la Légalisation des Actes Publics Etrangers*

Les Etats signataires de la présente Convention,

Désirant supprimer l'exigence de la légalisation diplomatique ou consulaire des actes publics étrangers,

Ont résolu de conclure une Convention à cet effet et sont convenus des dispositions suivantes:

Article premier

La présente Convention s'applique aux actes publics qui ont été établis sur le territoire d'un Etat contractant et qui doivent être produits sur le territoire d'un autre Etat contractant.

Sont considérés comme actes publics, au sens de la présente Convention:

(*a*) les documents qui émanent d'une autorité ou d'un fonctionnaire relevant d'une juridiction de l'Etat, y compris ceux qui émanent du ministère public, d'un greffier ou d'un huissier de justice;

(*b*) les documents administratifs;

(*c*) les actes notariés;

(*d*) les déclarations officielles telles que mentions d'enregistrement, visas pour date certaine et certifications de signature, apposées sur un acte sous seing privé.

Toutefois la présente Convention ne s'applique pas:

(*a*) aux documents établis par des agents diplomatiques ou consulaires;

(*b*) aux documents administratifs ayant trait directement à une opération commerciale ou douanière.

FINAL ACT *

The undersigned, Delegates of the Governments of Germany (Federal Republic), Austria, Belgium, Denmark, Spain, Finland, France, Great Britain, Greece, Italy, Japan, Luxemburg, Norway, the Netherlands, Portugal, Sweden, Switzerland and Yugoslavia, as well as the observers of the Government of the United States of America, met together at the Hague on 5th October, 1960, at the invitation of the Government of the Netherlands in the Ninth Session of the Hague Conference of Private International Law.

Following the discussions embodied in the report of proceedings, they agreed to submit to the appraisal of their Governments:

A. THE FOLLOWING DRAFT CONVENTIONS:

I.—*Convention Abolishing the Requirement of Legalisation for Foreign Public Documents*

The States signatory to the present Convention,

Desiring to abolish the requirement of diplomatic or consular legalisation for foreign public documents,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

1. The present Convention shall apply to public documents which have been executed in the territory of one contracting State and which have to be produced in the territory of another contracting State.

2. For the purposes of the present Convention, the following are deemed to be public documents:

(*a*) documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process server (*huissier de justice*);

(*b*) administrative documents;

(*c*) notarial acts;

(*d*) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

3. However, the present Convention shall not apply:

(*a*) to documents executed by diplomatic or consular agents;

(*b*) to administrative documents dealing directly with commercial or customs operations.

* Principal responsibility for this English translation is as follows: the three draft conventions in section A were settled by the English-speaking committee referred to on the basis of drafts prepared by C. D. Lush (Convention I), B. A. Wortley (Convention II) and R. H. Graveson (Convention III). The formal clauses of all the Conventions were translated by C. D. Lush. Section B is the writer's translation. In respect of item B (V) (Model Laws) he acknowledges the valuable suggestions made by Professor Kurt Nadelmann of the U.S. delegation.

Article 2

Chacun des Etats contractants dispense de légalisation les actes auxquels s'applique la présente Convention et qui doivent être produits sur son territoire. La légalisation au sens de la présente Convention ne recouvre que la formalité par laquelle les agents diplomatiques ou consulaires du pays sur le territoire duquel l'acte doit être produit attestent la véracité de la signature, la qualité en laquelle le signataire de l'acte a agi et, le cas échéant, l'identité du sceau ou timbre dont cet acte est revêtu.

Article 3

La seule formalité qui puisse être exigée pour attester la véracité de la signature, la qualité en laquelle le signataire de l'acte a agi et, le cas échéant, l'identité du sceau ou timbre dont cet acte est revêtu, est l'apposition de l'apostille définie à l'article 4, délivrée par l'autorité compétente de l'Etat d'où émane le document.

Toutefois la formalité mentionnée à l'alinéa précédent ne peut être exigée lorsque soit les lois, règlements ou usages en vigueur dans l'Etat où l'acte est produit, soit une entente entre deux ou plusiers Etats contractants l'écartent, la simplifient ou dispensent l'acte de légalisation.

Article 4

L'apostille prévue à l'article 3, alinéa premier, est apposée sur l'acte lui-même ou sur une allonge; elle doit être conforme au modèle annexé à la présente Convention.

Toutefois elle peut être rédigée dans la langue officielle de l'autorité qui la délivre. Les mentions qui y figurent peuvent également être données dans une deuxième langue. Le titre "Apostille (Convention de la Haye du . . .)" devra être mentionné en langue française.

Article 5

L'apostille est délivrée à la requête du signataire ou de tout porteur de l'acte.

Dûment remplie, elle atteste la véracité de la signature, la qualité en laquelle le signataire de l'acte a agi et, le cas échéant, l'identité du sceau ou timbre dont cet acte est revêtu.

La signature, le sceau ou timbre qui figurent sur l'apostille sont dispensés de toute attestation.

Article 6

Chaque Etat contractant désignera les autorités prises ès qualités, auxquelles est attribuée compétence pour délivrer l'apostille prévue à l'article 3, alinéa premier.

Il notifiera cette désignation au Ministère des Affaires Etrangères des Pays-Bas au moment du dépôt de son instrument de ratification ou d'adhésion ou de sa déclaration d'extension. Il lui notifiera aussi toute modification dans la désignation de ces autorités.

Article 2

Each contracting State shall exempt from legalisation documents to which the present Convention applies and which have to be produced in its territory. For the purposes of the present Convention, legalisation means only the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Article 3

1. The only formality that may be required in order to certify the authenticity of the signature, the capacity in which the person signing the document has acted and the identity of the seal or stamp which it bears, is the addition of the certificate described in Article 4, issued by the competent authority of the State from which the document emanates.

2. However, the formality mentioned in the preceding paragraph cannot be required when either the laws, regulations or practice in force in the State where the document is produced or an agreement between two or more contracting States have abolished or simplified it, or exempt the document itself from legalisation.

Article 4

1. The certificate referred to in paragraph 1 of Article 3 shall be placed on the document itself or on an " allonge "; it shall be in the form of the model annexed to the present Convention.

2. It may, however, be drawn up in the official language of the authority, which issues it. The words appearing therein may be in a second language also. The title " Apostille (Convention de La Haye du . . .) " shall be in the French language.

Article 5

1. The certificate shall be issued at the request of the person who has signed the document or of any bearer.

2. When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

3. The signature, seal or stamp on the certificate are exempt from all authentication.

Article 6

1. Each contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in paragraph 1 of Article 3.

2. It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension. It shall also give notice of any change in the designated authorities.

Article 7

Chacune des autorités désignées conformément à l'article 6 doit tenir un registre ou fichier dans lequel elle prend note des apostilles délivrées en indiquant:

(*a*) le numéro d'ordre et la date de l'apostille,

(*b*) le nom du signataire de l'acte public et la qualité en laquelle il a agi, ou, pour les actes non signés, l'indication de l'autorité qui a apposé le sceau ou timbre.

A la demande de tout intéressé l'autorité qui a délivré l'apostille est tenue de vérifier si les inscriptions portées sur l'apostille correspondent à celles du registre ou du fichier.

Article 8

Lorsqu'il existe entre deux ou plusiers Etats contractants un traité, une convention ou un accord, contenant des dispositions qui soumettent l'attestation de la signature, du sceau ou timbre à certaines formalités, la présente Convention n'y déroge que si lesdites formalités sont plus rigoureuses que celle prévue aux articles 3 et 4.

Article 9

Chaque Etat contractant prendra les mesures nécessaires pour éviter que ses agents diplomatiques ou consulaires ne procèdent à des légalisations dans les cas où la présente Convention en prescrit la dispense.

Article 10

La présente Convention est ouverte à la signature des Etats représentés à la Neuvième session de la Conférence de La Haye de droit international privé, ainsi qu'a celle de l'Irlande, de l'Islande, du Liechtenstein et de la Turquie.

Elle sera ratifiée et les instruments de ratification seront déposés auprès du Ministère des Affaires Etrangères des Pays-Bas.

Article 11

La présente Convention entrera en vigueur le soixantième jour après le dépôt du troisième instrument de ratification prévu par l'article 10, alinéa 2.

La Convention entrera en vigueur, pour chaque Etat signataire ratifiant postérieurement, le soixantième jour après le dépôt de son instrument de ratification.

Article 12

Tout Etat non visé par l'article 10 pourra adhérer à la présente Convention après son entrée en vigueur en vertu de l'article 11, alinéa premier. L'instrument d'adhésion sera déposé auprès du Ministère des Affaires Etrangères des Pays-Bas.

L'adhesion n'aura d'effet que dans les rapports entre l'Etat adhérant et les Etats contractants qui n'auront pas élevé d'objection à son encontre dans les six mois après la réception de la

Article 7

1. Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

(*a*) the number and date of the certificate,

(*b*) the name of the person signing the public document and the capacity in which he has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

2. At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

Article 8

When a treaty, convention or agreement between two or more contracting States contains provisions which subject the authentication of a signature, seal or stamp to certain formalities, the present Convention will only terminate such provisions if the formalities are more rigorous than that referred to in Articles 8 and 4.

Article 9

Each contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

Article 10

1. 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 Ireland, Iceland, Liechtenstein and Turkey.

2. It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 11

1. The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in paragraph 2 of Article 10.

2. The Convention shall enter into force, for each signatory State which ratifies subsequently, on the sixtieth day after the deposit of its instrument of ratification.

Article 12

1. Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with paragraph 1 of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

2. 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 referred to in sub-paragraph (*d*) of

notification prévue à l'article 15, litt. (*d*). Une telle objection sera notifiée au Ministère des Affaires Etrangères des Pays-Bas.

La Convention entrera en vigueur, entre l'Etat adhérant et les Etats n'ayant pas élevé d'objection contre l'adhésion, le soixantième jour après l'expiration du délai de six mois mentionné à l'alinéa précédent.

Article 13

Tout Etat, au moment de la signature, de la ratification ou de l'adhésion, pourra déclarer que la présente Convention s'étendra à l'ensemble des territoires qu'il représente sur le plan international, ou à l'un ou plusiers d'entre eux. Cette déclaration aura effet au moment de l'entrée en vigueur de la Convention pour ledit Etat.

Par la suite, toute extension de cette nature sera notifiée au Ministère des Affaires Etrangères des Pays-Bas.

Lorsque la déclaration d'extension est faite à l'occasion d'une signature ou d'une ratification, la Convention entrera en vigueur pour les territoires visés conformément aux dispositions de l'article 11. Lorsque la déclaration d'extension est faite à l'occasion d'une adhésion, la Convention entrera en vigueur pour les territoires visés conformément aux dispositions de l'article 12.

Article 14

La présente Convention aura une durée de cinq ans à partir de la date de son entrée en vigueur conformément à l'article 11, alinéa premier, même pour les États qui l'auront ratifiée ou y auront adhéré postérieurement.

La Convention sera renouvelée tacitement de cinq en cinq ans, sauf dénonciation.

La dénonciation sera, au moins six mois avant l'expiration du délai de cinq ans, notifiée au Ministère des Affaires Etrangères des Pays-Bas.

Elle pourra se limiter à certains des territoires auxquels s'applique la Convention.

La dénonciation n'aura d'effet qu'à l'égard de l'Etat qui l'aura notifiée. La Convention restera en vigueur pour les autres Etats contractants.

Article 15

Le Ministère des Affaires Etrangères des Pays-Bas notifiera aux Etats visés à l'article 10, ainsi qu'aux Etats qui auront adhéré conformément aux dispositions de l'article 12:

(*a*) les notifications visées à l'article 6, alinéa 2;

(*b*) les signatures et ratifications visées à l'article 10;

(*c*) la date à laquelle la présente Convention entrera en vigueur conformément aux dispositions de l'article 11, alinéa premier;

(*d*) les adhésions et objections visées à l'article 12 et la date à laquelle les adhésions auront effet;

(*e*) les extensions visées à l'article 13 et la date à laquelle elles auront effet;

(*f*) les dénonciations visées à l'article 14, alinéa 3.

Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

3. The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

Article 18

1. Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

2. At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

3. When the declaration of extension is made at the time of signature or ratification, the Convention shall enter into force for the territories concerned in accordance with Article 11. When the declaration of extension is made at the time of accession, the Convention shall enter into force for the territories concerned in accordance with Article 12.

Article 14

1. The present Convention shall remain in force for five years from the date of its entry into force in accordance with paragraph 1 of Article 11, even for States which have ratified or acceded to it subsequently.

2. If there has been no denunciation, the Convention shall be renewed tacitly every five years.

3. Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five-year period.

4. It may be limited to certain of the territories to which the Convention applies.

5. The denunciation will only have effect, as regards the State which has made it. The Convention shall remain in force for the other contracting States.

Article 15

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following:

(*a*) the notifications referred to in paragraph 2 of Article 6;

(*b*) the signatures and ratifications referred to in Article 10;

(*c*) the date on which the present Convention enters into force in accordance with paragraph 1 of Article 11;

(*d*) the accessions and objections referred to in Article 12, and the date on which such accessions take effect;

(*e*) the extensions referred to in Article 13 and the date on which they take effect;

(*f*) the denunciations referred to in paragraph 3 of Article 14.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le . . . . . , en un seul exemplaire, qui sera déposé dans les archives du Gouvernement des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des Etats représentés à la Neúvième session de la Conférence de La Haye de droit international privé, ainsi qu'a l'Irlande, à l'Islande, au Liechtenstein et à la Turquie.

Annexe a la Convention

Modèle d'apostille

L'apostille aura la forme d'un carré de 9 centimètres de côté au minimum

APOSTILLE

(Convention de La Haye du.....)

1. Pays:.....

Le présent acte public

2. a été signé par.....

3. agissant en qualité de.....

4. est revêtu du sceau/timbre de.....

.....

Attesté

5. à..... 6. le.....

7. par.....

.....

8. sous N°.....

9. Sceau/timbre: 10. Signature:

....

II.—Convention sur les Conflits de Lois en Matière de Forme des Dispositions Testamentaires

Les Etats signataires de la présente Convention,

Désirant établir des règles communes de solution des conflits de lois en matière de forme des dispositions testamentaires,

Ont résolu de conclure une Convention à cet effet et sont convenus des dispositions suivantes:

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at the Hague the ..... in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Conference on Private International Law and also to Ireland, Iceland, Liechtenstein and Turkey.

Annex to the Convention

Model of Certificate

The certificate will be in the form of a square with sides at least 9 centimetres long.

APOSTILLE

(Convention de La Haye du.....)

1. Country .....

This public document

2. has been signed by .....

3. acting in the capacity of .....

4. bears the seal/stamp of .....

.....

Certified

5. at ..... 6. the .....

7. by .....

8. No. .....

9. seal/stamp: 10. signature:

....

II.—*Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions*

The States signatory to the present Convention,

Desiring to establish common rules for the resolution of conflicts of laws in the matter of the form of testamentary dispositions,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article premier

Une disposition testamentaire est valable quant à la forme si celle-ci répond à la loi interne:

(*a*) du lieu où le testateur a disposé, ou

(*b*) d'une nationalité possédée par le testateur, soit au moment où il a disposé, soit au moment de son décès, ou

(*c*) d'un lieu dans lequel le testateur avait son domicile, soit au moment où il a disposé, soit au moment de son décès, ou

(*d*) du lieu dans lequel le testateur avait sa résidence habituelle, soit au moment où il a disposé, soit au moment de son décès, ou

(*e*) pour les immeubles, du lieu de leur situation.

Aux fins de la présente Convention, si la loi nationale consiste en un système non unifié, la loi applicable est déterminée par les règles en vigueur dans ce système et, à défaut de telles règles, par le lien le plus effectif qu'avait le testateur avec l'une des législations composant ce système.

La question de savoir si le testateur avait un domicile dans un lieu déterminé est régie par la loi ce même lieu.

Article 2

L'article premier s'applique aux dispositions testamentaires révoquant une disposition testamentaire antérieure.

La révocation est également valable quant à la forme si elle répond à l'une des lois aux termes de laquelle, conformément à l'article premier, la disposition testamentaire révoquée était valable.

Article 3

La présente Convention ne porte pas atteinte aux règles actuelles ou futures des Etats contractants reconnaissant des dispositions testamentaires faites en la forme d'une loi non prévue aux articles précédents.

Article 4

La présente Convention s'applique également aux formes des dispositions testamentaires faites dans un même acte par deux ou plusieurs personnes.

Article 5

Aux fins de la présente Convention, les prescriptions limitant les formes de dispositions testamentaires admises et se rattachant à l'âge, à la nationalité ou à d'autres qualités personnelles du testateur, sont considérées comme appartenant au domaine de la forme. Il en est de même des qualités que doivent posséder les témoins requis pour la validité d'une disposition testamentaire.

Article 6

L'application des règles de conflits établies par la présente Convention est indépendante de toute condition de réciprocité. La

Article 1

1. A testamentary disposition shall be valid as regards form if it complies with the internal law:

(*a*) of the place where the testator made it, or

(*b*) of a nationality possessed by the testator, either at the time when he made the disposition, or at the time of his death, or

(*c*) of a place in which the testator had his domicile, either at the time when he made the disposition, or at the time of his death, or

(*d*) of the place in which the testator had his habitual residence, either at the time when he made the disposition, or at the time of his death, or

(*e*) so far as immovables are concerned, of the place where they are situated.

2. 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 that law within such system with which the testator had the closest connection.

3. The determination of whether or not the testator had his domicile in a particular place shall be governed by the law of that place.

Article 2

1. Article 1 shall apply to testamentary dispositions revoking an earlier testamentary disposition.

2. Such revocation shall also be valid as regards form if it complies with any one of the laws according to the terms of which, under Article 1, the testamentary disposition that has been revoked was valid.

Article 3

The present Convention shall not affect any existing or future rules of law in contracting States which recognise testamentary dispositions made in a form complying with a law not referred to in the preceding Articles.

Article 4

The present Convention shall also apply to the form of testamentary dispositions made by two or more persons in one document.

Article 5

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.

Article 6

The application of the rules of conflicts laid down in the present Convention shall be independent of any requirement of reciprocity.

Convention s'applique même si la nationalité des intéressés ou la loi applicable en vertu des articles précédents ne sont pas celles d'un Etat contractant.

Article 7

L'application d'une des lois déclarées compétentes par la présente Convention ne peut être écartée que si elle est manifestement incompatible avec l'ordre public.

Article 8

La présente Convention s'applique à tous les cas où le testateur est décédé après son entrée en vigueur.

Article 9

Chaque Etat contractant peut se réserver, par dérogation à l'article premier, alinéa 8, le droit de déterminer selon la loi du for le lieu dans lequel le testateur avait son domicile.

Article 10

Chaque Etat contractant peut se réserver de ne pas reconnaître les dispositions testamentaires faites, en dehors de circonstances extraordinaires, en la forme orale par un de ses ressortissants n'ayant aucune autre nationalité.

Article 11

Chaque Etat contractant peut se réserver de ne pas reconnaître, en vertu de prescriptions de sa loi les visant, certaines formes de dispositions testamentaires faites à l'étranger, si les conditions suivantes sont réunies:

(*a*) la disposition testamentaire n'est valable en la forme que selon une loi compétente uniquement en raison du lieu où le testateur a disposé,

(*b*) le testateur avait la nationalité de l'Etat qui aura fait la réserve,

(*c*) le testateur était domicilié dans ledit Etat ou y avait sa résidence habituelle, et

(*d*) le testateur est décédé dans un Etat autre que celui ou il avait disposé.

Cette réserve n'a d'effets que pour les seuls biens qui se trouvent dans l'Etat qui l'aura faite.

Article 12

Chaque Etat contractant peut se réserver d'exclure l'application de la présente Convention aux clauses testamentaires qui, selon son droit, n'ont pas un caractère successoral.

Article 13

Chaque Etat contractant peut se réserver, par dérogation à l'article 8, de n'appliquer la présente Convention qu'aux dispositions testamentaires postérieures à son entrée en vigueur.

The Convention shall be applied even if the nationality of the interested parties or the law to be applied by virtue of the foregoing Articles is not that of a contracting State.

Article 7

The application of any of the laws declared applicable by the present Convention may be refused only when it is manifestly contrary to public policy.

Article 8

The present Convention shall be applied in all cases where the testator dies after its entry into force.

Article 9

Each contracting State may reserve the right, in derogation of paragraph 8 of Article 1, to determine in accordance with the *lex fori* the place where the testator had his domicile.

Article 10

Each contracting State may reserve the right not to recognise testamentary dispositions made orally, save in exceptional circumstances, by one of its nationals possessing no other nationality.

Article 11

1. Each contracting State may reserve the right not to recognise, by virtue of provisions of its own law relating thereto, forms of testamentary dispositions made abroad, when the following conditions are fulfilled:

(*a*) the testamentary disposition is valid as to form only by reason of some rule of law applicable solely because of the place where the testator made his disposition,

(*b*) the testator possessed the nationality of the State making the reservation,

(*c*) the testator was domiciled in the said State or had his habitual residence there, and

(*d*) the testator died in a State other than that in which he had made his disposition.

2. This reservation shall be effective only as to the property situated in the State making the reservation.

Article 12

Each contracting State may reserve the right to exclude the application of clauses in testamentary dispositions which, under its law, do not relate to matters of succession.

Article 18

Each contracting State may reserve the right in derogation of Article 8, to apply the present Convention only to testamentary dispositions made after its entry into force.

Article 14

La présente Convention est ouverte à la signature des Etats représentés à la Neuvième session de la Conférence de La Haye de droit international privé.

Elle sera ratifiée et les instruments de ratification seront déposés auprès du Ministère des Affaires Etrangères des Pays-Bas.

Article 15

La présente Convention entrera en vigueur le soixantième jour après le dépôt du troisième instrument de ratification prévu par l'article 14, alinéa 2.

La Convention entrera en vigueur, pour chaque Etat signataire ratifiant postérieurement, le soixantième jour après le dépôt de son instrument de ratification.

Article 16

Tout Etat non représenté à la Neuvième session de la Conférence de La Haye de droit international privé pourra adhérer à la présente Convention après son entrée en vigueur en vertu de l'article 15, alinéa premier. L'instrument d'adhésion sera déposé auprès du Ministère des Affaires Etrangères des Pays-Bas.

La Convention entrera en vigueur, pour l'Etat adhérant, le soixantième jour après le dépôt de son instrument d'adhésion.

Article 17

Tout Etat, au moment de la signature, de la ratification ou de l'adhésion, pourra déclarer que la présente Convention s'étendra à l'ensemble des territoires qu'il représente sur le plan international, ou à l'un ou plusieurs d'entre eux. Cette déclaration aura effet au moment de l'entrée en vigueur de la Convention pour ledit Etat.

Par la suite, toute extension de cette nature sera notifiée au Ministère des Affaires Etrangères des Pays-Bas.

La Convention entrera en vigueur, pour les territoires visés par l'extension, le soixantième jour après la notification mentionnée à l'alinéa précédent.

Article 18

Tout Etat pourra, au plus tard au moment de la ratification ou de l'adhésion, faire une ou plusieurs des réserves prévues aux articles 9, 10, 11, 12 et 18 de la présente Convention. Aucune autre réserve ne sera admise.

Chaque Etat contractant pourra également, en notifiant une extension de la Convention conformément à l'article 17, faire une ou plusieurs de ces réserves avec effet limité aux territoires ou à certains des territoires visés par l'extension.

Chaque Etat contractant pourra, à tout moment, retirer une réserve qu'il aura faite. Ce retrait sera notifié au Ministère des Affaires Etrangères des Pays-Bas.

L'effet de la réserve cessera le soixantième jour après la notification mentionnée à l'alinéa précédent.

Article 14

1. The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law.

2. It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 15

1. The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in paragraph 2 of Article 14.

2. The Convention shall enter into force, for each signatory State which ratifies subsequently, on the sixtieth day after the deposit of its instrument of ratification.

Article 16

1. 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 paragraph 1 of Article 15. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

2. The Convention shall enter into force for a State acceding to it on the sixtieth day after the deposit of its instrument of accession.

Article 17

1. Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

2. At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

3. The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

Article 18

1. Any State may, not later than the moment of its ratification or accession, make one or more of the reservations mentioned in Articles 9, 10, 11, 12 and 18 of the present Convention. No other reservation shall be permitted.

2. Each contracting State may also, when notifying an extension of the Convention in accordance with Article 17, make one or more of the said reservations, with its effect limited to all or some of the territories mentioned in the extension.

3. Each contracting State may at any time withdraw a reservation it has made. Such a withdrawal shall be notified to the Ministry of Foreign Affairs of the Netherlands.

4. Such a reservation shall cease to have effect on the sixtieth day after the notification referred to in the preceding paragraph.

Article 19

La présente Convention aura une durée de cinq ans à partir de la date de son entrée en vigueur conformément à l'article 15, alinéa premier, même pour les Etats qui l'auront ratifiée ou y auront adhéré postérieurement.

La Convention sera renouvelée tacitement de cinq en cinq ans, sauf dénonciation.

La dénonciation sera, au moins six mois avant l'expiration du délai de cinq ans, notifiée au Ministère des Affaires Etrangères des Pays-Bas.

Elle pourra se limiter à certains des territoires auxquels s'applique la Convention.

La dénonciation n'aura d'effet qu'à l'égard de l'Etat qui l'aura notifiée. La Convention restera en vigueur pour les autres Etats contractants.

Article 20

Le Ministère des Affaires Etrangères des Pays-Bas notifiera aux Etats visés à l'article 14, ainsi qu'aux Etats qui auront adhéré conformément aux dispositions de l'article 16:

(*a*) les signatures et ratifications visées à l'article 14;

(*b*) la date à laquelle la présente Convention entrera en vigueur conformément aux dispositions de l'article 15, alinéa premier;

(*c*) les adhésions visées à l'article 16 et la date à laquelle elles auront effet;

(*d*) les extensions visées à l'article 17 et la date à laquelle elles auront effet;

(*e*) les réserves et retraits de réserves visés à l'article 18;

(*f*) les dénonciations visées à l'article 19, alinéa 3.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le....., en un seul exemplaire, qui sera déposé dans les archives du Gouvernement des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des Etats représentés à la Neuvième session de la Conférence de La Haye de droit international privé.

III.—Convention Concernant la Compétence des Autorités et la Loi Applicable en Matière de Protection des Mineurs

Les Etats signataires de la présente Convention,

Désirant établir des dispositions communes concernant la compétence des autorités et la loi applicable en matière de protection des mineurs,

Ont résolu de conclure une Convention à cet effet et sont convenus des dispositions suivantes:

Article premier

Les autorités, tant judiciaires qu'administratives, de l'Etat de la résidence habituelle d'un mineur sont, sous réserve des dispositions des articles 3, 4 et 5, alinéa 3, de la présente Convention,

Article 19

1. The present Convention shall remain in force for five years from the date of its entry into force in accordance with paragraph 1 of Article 15, even for States which have ratified or acceded to it subsequently.

2. If there has been no denunciation, it shall be renewed tacitly every five years.

3. Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five-year period.

4. It may be limited to certain of the territories to which the Convention applies.

5. The denunciation will only have effect as regards the State which has made it. The Convention shall remain in force for the other contracting States.

Article 20

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 14, and to the States which have acceded in accordance with Article 16, of the following:

(*a*) the signatures and ratifications referred to in Article 14;

(*b*) the date on which the present Convention enters into force in accordance with paragraph 1 of Article 15;

(*c*) the accessions referred to in Article 16 and the date on which they take effect;

(*d*) the extensions referred to in Article 17 and the date on which they take effect;

(*e*) the reservations and withdrawals referred to in Article 18;

(*f*) the denunciations referred to in paragraph 3 of Article 19.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague the ..... in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of The Hague Conference on Private International Law.

III.—*Convention Concerning the Powers of Authorities and the Law Applicable in Respect of the Protection of Infants*

The States signatory to the present Convention,

Desiring to establish common provisions on the powers of authorities and the law applicable in respect of the protection of infants,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The judicial or administrative authorities of the State of the habitual residence of an infant have power, subject to the provisions of Articles 3 and 4, and paragraph 3 of Article 5 of the present

compétentes pour prendre des mesures tendant à la protection de sa personne ou de ses biens.

Article 2

Les autorités compétentes aux termes de l'article premier prennent les mesures prévues par leur loi interne.

Cette loi détermine les conditions d'institution, modification et cessation desdites mesures. Elle régit également leurs effets tant en ce qui concerne les rapports entre le mineur et les personnes ou institutions qui en ont la charge, qu'à l'égard des tiers.

Article 3

Un rapport d'autorité résultant de plein droit de la loi interne de l'Etat dont le mineur est ressortissant est reconnu dans tous les Etats contractants.

Article 4

Si les autorités de l'Etat dont le mineur est ressortissant considèrent que l'intérêt du mineur l'exige, elles peuvent, après avoir avisé les autorités de l'Etat de sa résidence habituelle, prendre selon leur loi interne des mesures tendant à la protection de sa personne ou de ses biens.

Cette loi détermine les conditions d'institution, modification et cessation desdites mesures. Elle régit également leurs effets tant en ce qui concerne les rapports entre le mineur et les personnes ou institutions qui en ont la charge, qu'à l'égard des tiers.

L'application des mesures prises est assurée par les autorités de l'Etat dont le mineur est ressortissant.

Les mesures prises en vertu des alinéas précédents du présent article remplacent les mesures éventuellement prises par les autorités de l'Etat où le mineur a sa résidence habituelle.

Article 5

Au cas de déplacement de la résidence habituelle d'un mineur d'un Etat contractant dans un autre, les mesures prises par les autorités de l'Etat de l'ancienne résidence habituelle restent en vigueur tant que les autorités de la nouvelle résidence habituelle ne les ont pas levées ou remplacées.

Les mesures prises par les autorités de l'Etat de l'ancienne résidence habituelle ne sont levées ou remplacées qu'après avis préalable auxdites autorités.

Au cas de déplacement d'un mineur qui était sous la protection des autorités de l'Etat dont il est ressortissant, les mesures prises par elles suivant leur loi interne restent en vigueur dans l'Etat de la nouvelle résidence habituelle.

Article 6

Les autorités de l'Etat dont le mineur est ressortissant peuvent, d'accord avec celles de l'Etat où il a sa résidence habituelle ou

Convention, to take measures directed to the protection of his person or property.

Article 2

1. The authorities having power by virtue of the terms of Article 1 shall take the measures provided by their domestic law.

2. That law shall determine the conditions for the initiation, modification and termination of the said measures. It shall also govern their effects both in respect of relations between the infant and the persons or institutions responsible for his care, and in respect of third persons.

Article 3

A relationship subjecting the infant to authority, which arises directly from the domestic law of the State of the infant's nationality, shall be recognised in all the contracting States.

Article 4

1. If the authorities of the State of the infant's nationality consider that the interests of the infant so require, they may, after having informed the authorities of the State of his habitual residence, take measures according to their own law for the protection of his person or property.

2. That law shall determine the conditions for the initiation, modification and termination of the said measures. It shall also govern their effects both in respect of relations between the infant and the persons or institutions responsible for his care, and in respect of third persons.

3. The application of the measures taken shall be assured by the authorities of the State of the infant's nationality.

4. The measures taken by virtue of the preceding paragraphs of the present article shall replace any measures which may have been taken by the authorities of the State where the infant has his habitual residence.

Article 5

1. If the habitual residence of an infant is transferred from one contracting State to another, measures taken by the authorities of the State of the former habitual residence shall remain in force in so far as the authorities of the new habitual residence have not terminated or replaced them.

2. Measures taken by the authorities of the State of the former habitual residence shall be terminated or replaced only after previous notice to the said authorities.

3. In the case of change of residence of an infant who was under the protection of authorities of the State of his nationality, measures taken by them according to their domestic law shall remain in force in the State of the new habitual residence.

Article 6

1. The authorities of the State of the infant's nationality may, in agreement with those of the State where he has his habitual

possède des biens, confier à celles-ci la mise en oeuvre des mesures prises.

La même faculté appartient aux autorités de l'Etat de la résidence habituelle du mineur à l'égard des autorités de l'Etat où le mineur possède des biens.

Article 7

Les mesures prises par les autorités compétentes en vertu des articles précédents de la présente Convention sont reconnues dans tous les Etats contractants. Si toutefois ces mesures comportent des actes d'execution dans un Etat autre que celui où elles ont été prises, leur reconnaissance et exécution sont réglées soit par le droit interne de l'Etat où l'exécution est demandée, soit par les conventions internationales.

Article 8

Nonobstant les dispositions des articles 3, 4 et 5, alinéa 3, de la présente Convention, les autorités de l'Etat de la résidence habituelle d'un mineur peuvent prendre des mesures de protection pour autant que le mineur est menacé d'un danger sérieux dans sa personne ou ses biens.

Les autorités des autres Etats contractants ne sont pas tenues de reconnaître ces mesures.

Article 9

Dans tous les cas d'urgence, les autorités de chaque Etat contractant sur le territoire duquel se trouvent le mineur ou des biens lui appartenant, prennent les mesures de protection nécessaires.

Les mesures prises en application de l'alinéa précédent cessent, sous réserve de leurs effets définitifs, aussitôt que les autorités compétentes selon la présente Convention ont pris les mesures exigées par la situation.

Article 10

Autant que possible, afin d'assurer la continuité du régime appliqué au mineur, les autorités d'un Etat contractant ne prennent de mesures à son égard qu'après avoir procédé à un échange de vues avec les autorités des autres Etats contractants dont les décisions sont encore en vigueur.

Article 11

Toutes les autorités qui ont pris des mesures en vertu des dispositions de la présente Convention en informent sans délai les autorités de l'Etat dont le mineur est ressortissant et, le cas échéant, celles de l'Etat de sa résidence habituelle.

Chaque Etat contractant désignera les autorités qui peuvent donner et recevoir directement les informations visées à l'alinéa précédent. Il notifiera cette désignation au Ministère des Affaires Etrangères des Pays-Bas.

residence or where he possesses property, entrust to them the putting into force of the measures taken.

2. The authorities of the State of the habitual residence of the infant may do the same with regard to the authorities of the State where the infant possesses property.

Article 7

The measures taken by the competent authorities by virtue of the preceding articles of the present Convention shall be recognised in all contracting States. However, if these measures involve acts of enforcement in a State other than that in which they have been taken, their recognition and enforcement shall be governed either by the domestic law of the country in which enforcement is sought, or by the relevant international conventions.

Article 8

1. Notwithstanding the provisions of Articles 3 and 4, and paragraph 3 of Article 5 of the present Convention, the authorities of the State of the infant's habitual residence may take measures of protection in so far as the infant is threatened by serious danger to his person or property.

2. The authorities of the other contracting States are not bound to recognise these measures.

Article 9

1. In all cases of urgency, the authorities of any contracting State in whose territory the infant or his property is, may take any necessary measures of protection.

2. When the authorities which are competent according to the present Convention shall have taken the steps demanded by the situation, measures taken theretofore under this article shall cease, subject to the continued effectiveness of action completed thereunder.

Article 10

In order to ensure the continuity of the measures applied to the infant, the authorities of a contracting State shall, as far as possible, not take measures with respect to him save after an exchange of views with the authorities of the other contracting States whose decisions are still in force.

Article 11

1. All authorities who have taken measures by virtue of the provisions of the present Convention shall without delay inform the authorities of the State of the infant's nationality of them and, where appropriate, those of the State of his habitual residence.

2. Each contracting State shall designate the authorities which can directly give and receive the information envisaged in the previous paragraph. It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands.

Article 12

Aux fins de la présente Convention on entend par " mineur " toute personne qui a cette qualité tant selon la loi interne de l'Etat dont elle est ressortissante que selon la loi interne de sa résidence habituelle.

Article 13

La présente Convention s'applique à tous les mineurs qui ont leur résidence habituelle dans un des Etats contractants.

Toutefois les compétences attribuées par la présente Convention aux autorités de l'Etat dont le mineur est ressortissant sont réservées aux Etats contractants.

Chaque Etat contractant peut se réserver de limiter l'application de la présente Convention aux mineurs qui sont ressortissants d'un des Etats contractants.

Article 14

Aux fins de la présente Convention, si la loi interne de l'Etat dont le mineur est ressortissant consiste en un système non unifié, on entend par " loi interne de l'Etat dont le mineur est ressortissant " et par " autorités de l'Etat dont le mineur est ressortissant " la loi et les autorités déterminées par les règles en vigueur dans ce système et, à défaut de telles règles, par le lien le plus effectif qu'a le mineur avec l'une des législations composant ce système.

Article 15

Chaque Etat contractant peut réserver la compétence de ses autorités appelées à statuer sur une demande en annulation, dissolution ou relâchement du lien conjugal entre les parents d'un mineur, pour prendre des mesures de protection de sa personne ou de ses biens.

Les autorités des autres Etats contractants ne sont pas tenues de reconnaître ces mesures.

Article 16

Les dispositions de la présente Convention ne peuvent être écartées dans les Etats contractants que si leur application est manifestement incompatible avec l'ordre public.

Article 17

La présente Convention ne s'applique qu'aux mesures prises après son entrée en vigueur.

Les rapports d'autorité résultant de plein droit de la loi interne de l'Etat dont le mineur est ressortissant sont reconnus dès l'entrée en vigueur de la Convention.

Article 18

Dans les rapports entre les Etats contractants la présente Convention remplace la Convention pour régler la tutelle des mineurs signée à La Haye le 12 juin 1902.

Article 12

For the purposes of the present Convention " infant " shall mean any person who has that status, in accordance with both the domestic law of the State of his nationality and that of his habitual residence.

Article 13

1. The present Convention shall apply to all infants who have their habitual residence in one of the contracting States.

2. Nevertheless any powers conferred by the present Convention on the authorities of the State of the infant's nationality shall be reserved to the contracting States.

3. Each contracting State may reserve the right to limit the application of the present Convention to infants who are nationals of one of the contracting States.

Article 14

For the purposes of the present Convention, if the domestic law of the infant's nationality consists of a non-unified system, " the domestic law of the State of the infant's nationality " and " authorities of the State of the infant's nationality," shall mean respectively the law and the authorities determined by the rules in force in that system and, failing any such rules, by that law within such system with which the infant has the closest connection.

Article 15

1. Each contracting State may reserve the jurisdiction of its authorities empowered to decide on a petition for annulment, dissolution or modification of the marital relationship of the parents of an infant, to take measures for the protection of his person or property.

2. The authorities of the other contracting States shall not be bound to recognise these measures.

Article 16

The application of the provisions of the present Convention can only be refused in the contracting States if such application is manifestly contrary to public policy.

Article 17

1. The present Convention applies only to measures taken after its entry into force.

2. The relationships subjecting the infant to authority which arise directly from the domestic law of the State of the infant's nationality shall be recognised from the date of entry into force of the Convention.

Article 18

1. In relations between the contracting States the present Convention replaces the Convention governing the *tutelle* of infants, signed at The Hague on June 12, 1902.

Elle ne porte pas atteinte aux dispositions d'autres conventions liant au moment de son entrée en vigueur des Etats contractants.

Article 19

La présente Convention est ouverte à la signature des Etats représentés à la Neuvième session de la Conférence de La Haye de droit international privé.

Elle sera ratifiée et les instruments de ratification seront déposés auprès du Ministère des Affaires Etrangères des Pays-Bas.

Article 20

La présente Convention entrera en vigueur le soixantième jour après le dépôt du troisième instrument de ratification prévu par l'article 19, alinéa 2.

La Convention entrera en vigueur, pour chaque Etat signataire ratifiant postérieurement, le soixantième jour après le dépôt de son instrument de ratification.

Article 21

Tout Etat non représenté à la Neuvième session de la Conférence de La Haye de droit international privé pourra adhérer à la présente Convention après son entrée en vigueur en vertu de l'article 20, alinéa premier. L'instrument d'adhésion sera déposé auprès du Ministère des Affaires Etrangères des Pays-Bas.

L'adhésion n'aura d'effet que dans les rapports entre l'Etat adhérant et les Etats contractants qui auront déclaré accepter cette adhésion. L'acceptation sera notifiée au Ministère des Affaires Etrangères des Pays-Bas.

La Convention entrera en vigueur, entre l'Etat adhérant et l'Etat ayant déclaré accepter cette adhésion, le soixantième jour après la notification mentionnée à l'alinéa précédent.

Article 22

Tout Etat, au moment de la signature, de la ratification ou de l'adhésion, pourra déclarer que la présente Convention s'étendra à l'ensemble des territoires qu'il représente sur le plan international, ou à l'un ou plusieurs d'entre eux. Cette déclaration aura effet au moment de l'entrée en vigueur de la Convention pour ledit Etat.

Par la suite, toute extension de cette nature sera notifiée au Ministère des Affaires Etrangères des Pays-Bas.

Lorsque la déclaration d'extension est faite à l'occasion d'une signature ou d'une ratification, la Convention entrera en vigueur pour les territoires visés conformément aux dispositions de l'article 20. Lorsque la déclaration d'extension est faite à l'occasion d'une adhésion, la Convention entrera en vigueur pour les territoires visés conformément aux dispositions de l'article 21.

2. It shall not affect any provisions of other conventions binding the contracting States at the time of its entry into force.

Article 19

1. The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law.

2. It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 20

1. The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in paragraph 2 of Article 19.

2. The Convention shall enter into force, for each signatory State which ratifies subsequently, on the sixtieth day after the deposit of its instrument of ratification.

Article 21

1. 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 paragraph 1 of Article 20. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

2. Such accession shall have effect only as regards the relations between the acceding State and those contracting States which have declared that they accept its accession. The acceptance shall be notified to the Ministry of Foreign Affairs of the Netherlands.

3. The Convention shall enter into force as between the acceding State and the State which has accepted its accession on the sixtieth day after the notification mentioned in the preceding paragraph.

Article 22

1. Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

2. At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

3. When the declaration of extension is made at the time of signature or ratification, the Convention shall enter into force for the territories concerned in accordance with Article 20. When the declaration of extension is made at the time of accession, the Convention shall enter into force for the territories concerned in accordance with Article 21.

Article 23

Tout Etat pourra, au plus tard au moment de la ratification ou de l'adhésion, faire les réserves prévues aux articles 18, alinéa 8, et 15, alinéa premier, de la présente Convention. Aucune autre réserve ne sera admise.

Chaque Etat contractant pourra également, en notifiant une extension de la Convention conformément à l'article 22, faire ces réserves avec effet limité aux territoires ou à certains des territoires visés par l'extension.

Chaque Etat contractant pourra, à tout moment, retirer une réserve qu'il aura faite. Ce retrait sera notifié au Ministère des Affaires Etrangères des Pays-Bas.

L'effet de la réserve cessera le soixantième jour après la notification mentionnée à l'alinéa précédent.

Article 24

La présente Convention aura une durée de cinq ans à partir de la date de son entrée en vigueur conformément à l'article 20, alinéa premier, même pour les Etats qui l'auront ratifiée ou y auront adhéré postérieurement.

La Convention sera renouvelée tacitement de cinq en cinq ans, sauf dénonciation.

La dénonciation sera, au moins six mois avant l'expiration du délai de cinq ans, notifiée au Ministère des Affaires Etrangères des Pays-Bas.

Elle pourra se limiter à certains des territoires auxquels s'applique la Convention.

La dénonciation n'aura d'effet qu'à l'égard de l'Etat qui l'aura notifiée. La Convention restera en vigueur pour les autres Etats contractants.

Article 25

Le Ministère des Affaires Etrangères des Pays-Bas notifiera aux Etats visés à l'article 19, ainsi qu'aux Etats qui auront adhéré conformément aux dispositions de l'article 21:

(*a*) les notifications visées à l'article 11, alinéa 2;

(*b*) les signatures et ratifications visées à l'article 19;

(*c*) la date à laquelle la présente Convention entrera en vigueur conformément aux dispositions de l'article 20, alinéa premier;

(*d*) les adhésions et acceptations visées à l'article 21 et la date à laquelle elles auront effet;

(*e*) les extensions visées à l'article 22 et la date à laquelle elles auront effet;

(*f*) les réserves et retraits de réserves visés à l'article 23;

(*g*) les dénonciations visées à l'article 24, alinéa 3.

En foi de quoi, les soussignés, dûment autorisés, ont signé la présente Convention.

Fait à La Haye, le ....., en un seul exemplaire, qui sera déposé dans les archives du Gouvernement des Pays-Bas et dont une copie certifiée conforme sera remise, par la voie diplomatique, à chacun des Etats représentés à la Neuvième session de la Conférence de La Haye de droit international privé.

Article 23

1. Any State may, not later than the moment of its ratification or accession, make the reservations mentioned in paragraph 3 of Article 18 and paragraph 1 of Article 15 of the present Convention. No other reservation shall be permitted.

2. Each contracting State may also, when notifying an extension of the Convention in accordance with Article 22, make the said reservations, with their effect limited to all or some of the territories mentioned in the extension.

3. Each contracting State may at any time withdraw a reservation it has made. Such a withdrawal shall be notified to the Ministry of Foreign Affairs of the Netherlands.

4. Such a reservation shall cease to have effect on the sixtieth day after the notification referred to in the preceding paragraph.

Article 24

1. The present Convention shall remain in force for five years from the date of its entry into force in accordance with paragraph 1 of Article 20, even for States which have ratified or acceded to it subsequently.

2. If there has been no denunciation, it shall be renewed tacitly every five years.

3. Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five-year period.

4. It may be limited to certain of the territories to which the Convention applies.

5. The denunciation will only have effect as regards the State which has made it. The Convention shall remain in force for the other contracting States.

Article 25

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 19, and to the States which have acceded in accordance with Article 21, of the following:

(*a*) the notifications referred to in paragraph 2 of Article 11;

(*b*) the signatures and ratifications referred to in Article 19;

(*c*) the date on which the present Convention enters into force in accordance with paragraph 1 of Article 20;

(*d*) the accessions and acceptances referred to in Article 21 and the date on which they take effect;

(*e*) the extensions referred to in Article 22 and the date on which they take effect;

(*f*) the reservations and withdrawals referred to in Article 23;

(*g*) the denunciations referred to in paragraph 3 of Article 24.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague the ..... in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Hague Conference on Private International Law.

B. LES DÉCISIONS SUIVANTES RELATIVES AUX TRAVAUX FUTURS DE LA CONFÉRENCE

I. SUR LA COMPÉTENCE DU FOR CONTRACTUEL ET LA RECONNAISSANCE ET EXÉCUTION DES JUGEMENTS ÉTRANGERS EN MATIÈRE PATRIMONIALE:

1. Le programme de travail de la Neuvième session comportait la compétence générale du for contractuel, il mentionnait également l'examen de la question de savoir si l'on ne devait pas inclure dans les travaux futurs une étude de la reconnaissance et de l'exécution des jugements étrangers en général.

2. Ces deux matières présentent certains aspects communs et la Neuvième session a analysé les problèmes les plus importants soulevés par l'une et par l'autre.

3. Les discussions ont permis de constater que ces matières peuvent faire l'objet soit d'une seule convention, soit de deux conventions distinctes.

4. Par conséquent, la Neuvième session prie la Commission d'Etat de charger le Bureau Permanent de poursuivre, quant aux affaires patrimoniales, les études sur la compétence du for contractuel et sur la reconnaissance et l'exécution réciproques des décisions judiciaires en général. Elle institue une Commission spéciale pour ces deux matières et prie la Commission d'Etat de prendre les mesures nécessaires pour la convocation de cette Commission spéciale aussitôt que l'état des travaux préparatoires le permettra.

II. SUR LA RECONNAISSANCE DES JUGEMENTS EN MATIÈRE D'ÉTAT DES PERSONNES:

1. A l'occasion de ses études en matière de reconnaissance et d'exécution de jugements étrangers dans le domaine patrimonial, la Neuvième session s'est rendu compte de l'intérêt d'une réglementation relative à la reconnaissance des jugements en matière d'état des personnes, y compris le divorce et la séparation de corps.

2. Elle a estimé que l'utilité d'une convention augmente au fur et à mesure que se développent les relations internationales.

3. Déjà la Huitième session avait envisagé la possibilité de procéder à une révision, quant au fond, des Conventions de La Haye en matière de droit de famille.

L'élaboration d'une convention ayant trait à la reconnaissance des jugements étrangers en matière d'état des personnes répond à cette préoccupation, même si les travaux préparatoires devaient démontrer qu'une convention multilatérale pourrait rendre nécessaire une révision des dispositions relatives à la reconnaissance des jugements figurant dans l'une ou l'autre de ces Conventions.

4. En conséquence, la Neuvième session prie la Commission d'Etat de faire entreprendre par le Bureau Permanent les études et les consultations indispensables à l'élaboration éventuelle d'une convention sur la reconnaissance des jugements étrangers en matière d'état des personnes.

B. THE FOLLOWING DECISIONS RESPECTING FUTURE WORK OF THE CONFERENCE:

I. ON THE JURISDICTION OF THE CHOSEN COURT AND THE RECOGNITION AND EXECUTION OF FOREIGN JUDGMENTS RELATING TO PROPERTY:

1. The programme of work of the Ninth Session included the general jurisdiction of the chosen court; it also comprised an examination of the question of establishing whether a study on the recognition and execution of foreign judgments in general should not be included in future work.

2. These two matters present certain common features and the Ninth Session has analysed the most important problems raised by both of them.

3. From the discussions one may assert that these matters may be the object either of a single convention or of two distinct conventions.

4. Consequently the Ninth Session requests the State Commission to instruct the Permanent Bureau with respect to matters of property to continue the studies on the jurisdiction of the chosen court and on the reciprocal recognition and execution of judicial decisions in general. It establishes a special Commission for these two matters and requests the State Commission to take the necessary steps for summoning this special Commission as soon as the state of preparatory work will allow.

II. ON THE RECOGNITION OF JUDGMENTS RELATING TO PERSONAL STATUS:

1. In the course of its study of the subject of the recognition and execution of foreign judgments relating to matters of property, the Ninth Session noted the interest in establishing provisions concerning the recognition of judgments in matters of personal status, including divorce and judicial separation.

2. It considered that the usefulness of a convention increases commensurately with the development of international relations.

3. The Eighth Session had already contemplated the possibility of going forward with a revision of the Hague Conventions concerning family law with respect to their basis. The working out of a convention concerning the recognition of foreign judgments on personal status reflects this same concern, even if the preparatory work might show that a multilateral convention would make necessary a revision of the provisions concerning the recognition of judgments which appear in one or other of these conventions.

4. Consequently the Ninth Session requests the State Commission to instruct the Permanent Bureau to undertake the studies and consultations essential for the possible working out of a convention on the recognition of foreign judgments on personal status.

III. EN MATIÈRE DE SIGNIFICATION D'ACTES JUDICIAIRES ET EXTRAJUDICIAIRES À L'ÉTRANGER:

La Neuvième session, ayant pris connaissance d'un mémoire présenté par l'Union internationale des Huissiers de Justice et Officiers judiciaires, est consciente de la nécessité d'établir un système assurant la remise effective et rapide des actes judiciaires et extrajudiciaires aux intéressés résidant à l'étranger.

Elle prie la Commission d'Etat de charger le Bureau Permanent de procéder à une enquête sur les données du problème, tant dans les pays qui connaissent l'institution des huissiers que dans ceux qui ne la connaissent pas, afin de réunir les éléments nécessaires à une solution des problèmes signalés.

IV. EN MATIÈRE D'ADOPTION D'ENFANTS ÉTRANGERS:

La Neuvième session

(*a*) institue une Commission spéciale chargée d'étudier les conflits de lois et de juridictions en cas d'adoption d'un enfant par une ou plusieurs personnes n'ayant pas la même nationalité que lui ou résidant dans un autre pays;

(*b*) prie la Commission d'Etat de charger le Bureau Permanent de procéder aux recherches et consultations nécessaires à la préparation des travaux de la Commission spéciale et de prendre les contacts appropriés avec d'autres organisations intéressées, tant intergouvernementales que non gouvernementales.

V. EN MATIÈRE DE LOIS MODÈLES:

La Neuvième session, considérant que selon l'article premier du Statut, le but de la Conférence est de travailler à l'unification progressive des règles de droit international privé, s'est rendu compte de l'intérêt croissant que suscitent les travaux de la Conférence hors du cercle de ses Membres.

En outre, elle a été rendue attentive au fait que certains Etats fédératifs auraient des difficultés d'ordre constitutionnel qui les empêcheraient d'adhérer à une convention élaborée par la Conférence ou même de devenir Membre de la Conférence. On a fait valoir que même des Etats non membres pour qui de tels empêchements n'existent pas pourraient préférer reprendre les dispositions matérielles d'une convention, sans formellement adhérer à l'instrument international, car l'adhésion est assez souvent soumise à des conditions exprimées dans le texte.

La Neuvième session reste convaincue de la nécessité de conserver à la Conférence un caractère diplomatique qui implique en tout premier lieu l'élaboration de conventions entre Etats sur la base de négociations et de concessions mutuelles. Cependant elle constate que les activités et l'oeuvre de La Haye occupent dans le monde actuel une place à part et que, dès lors, la Conférence éprouve le besoin de rechercher des moyens permettant d'assurer un plus grand rayonnement aux solutions dégagées et aux résultats obtenus.

Elle estime qu'un moyen de parvenir à ce but pourrait être trouvé sur le plan de la rédaction des conventions. D'une part, on

III. CONCERNING SERVICE ABROAD OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS:

The Ninth Session, having taken note of a memorandum presented by the International Union of Huissiers de Justice and Judicial Officers, is aware of the need to establish a system to ensure the effective and speedy transmission of judicial and extra-judicial documents to interested parties living abroad.

It requests the State Commission to instruct the Permanent Bureau to undertake an inquiry into the facts of the problem in the countries which possess the institution of *huissiers* as well as in those which do not possess it in order to bring together the factors necessary for a solution of the problems indicated.

IV. CONCERNING THE ADOPTION OF FOREIGN CHILDREN:

The Ninth Session:

(*a*) establishes a special Commission charged with studying the conflicts of law and jurisdiction in the case of adoption of a child by one or more persons not possessing the same nationality as he or living in another country;

(*b*) requests the State Commission to instruct the Permanent Bureau to undertake the research and consultations necessary for the preparation of the work of the special Commission and to make appropriate contacts with other interested organisations, both inter-governmental and non-governmental.

V. CONCERNING MODEL LAWS:

The Ninth Session, recalling that according to Article 1 of the Statute the aim of the Conference is to work towards the progressive unification of the rules of private international law, takes cognisance of the increasing interest which the work of the Conference arouses beyond the circle of its members.

Furthermore, it has been made aware of the fact that certain States of a federal character might be prevented by difficulties of a constitutional nature from adhering to any convention produced by the Conference or even from becoming members of the Conference. It has been found that even non-member States, for which such difficulties do not exist, might prefer to adopt the substantive provisions of a convention without formally adhering to an instrument of international character, for such adherence is quite frequently made subject to conditions embodied in the text.

The Ninth Session remains convinced of the need to retain the diplomatic character of the Conference, which connotes primarily the preparation of conventions between States on the basis of negotiation and mutual concessions. It notes, however, that the activities and work at The Hague occupy a special place in the world today and that, henceforward, the Conference feels the need to search for means of ensuring a greater sphere of influence for the solutions evolved and the results obtained.

It considers that one means of achieving this object might be found on the basis of the rearrangement of the conventions. In the first place, so far as the subject-matter is appropriate, an editorial

devrait employer, dans la mesure où la matière s'y prête, une technique rédactionnelle éliminant des dispositions matérielles les éléments de réciprocité, qui seraient regroupés dans une partie séparée de la convention. D'autre part, en ce qui concerne le fond de chaque convention, les délégations et experts devraient se demander s'il y a lieu ou non de viser à établir des règles de conflit dépourvues d'éléments de réciprocité et destinées à une application générale, sans distinguer selon les Etats auxquels seraient rattachés les rapports de droit réglés par la convention.

Elle désire tout spécialement rendre attentif le Bureau Permanent aux problèmes et solutions indiqués dans la présente décision.

VI. EN MATIÈRE DE REPRÉSENTATION:

La Neuvième session,

constatant que pour le moment le besoin d'une réglementation internationale limitée aux conflits de lois concernant les rapports de droit entre le représenté et les tiers n'a pas été reconnu par un nombre assez élevé d'Etats membres pour justifier son étude;

reconnaissant toutefois qu'il pourrait s'avérer utile de désigner dans une convention internationale la loi applicable aux rapports de droit entre le représentant et le représenté, et au contrat d'agence;

considérant d'autre part que l'élaboration d'une loi uniforme en matière de représentation internationale pourrait laisser subsister des conflits de lois entre cette loi uniforme et les lois internes des Etats qui l'auraient adoptée;

décide de ne pas se dessaisir définitivement de la représentation et de la maintenir à son ordre du jour.

Fait à La Haye, le vingt-six octobre mil neuf cent soixante, en un seul exemplaire qui sera déposé dans les archives du Bureau Permanent et dont une copie certifiée conforme sera remise à chacun des Gouvernements représentés à la Neuvième session de la Conférence.

technique should be used to remove from the substantive provisions elements of a reciprocal character, which would be regrouped in a separate part of the convention. In the second place, with respect to the substance of each convention, delegations and experts should consider whether or not there is a possibility of establishing rules of conflicts free from reciprocal elements and designed for general application, without making any distinction with regard to nations between which legal relations regulated by the convention exist.

In particular it wishes to draw the attention of the Permanent Bureau to the problems and solutions indicated in the present decision.

VI. CONCERNING AGENCY:

The Ninth Session,

affirming that for the time being the need for an international regulation confined to conflicts of law concerning the legal relations between the principal and third parties has not been recognised by a sufficiently large number of State members to justify its study;

recognising nevertheless that it might be considered useful to express in an international convention the law applicable to legal relations between the agent and the principal, and to the contract of agency;

considering on the other hand that the working out of a uniform law on the matter of international agency might leave in existence conflicts of law between that uniform law and the internal laws of States which had adopted it;

decides not to relinquish agency irrevocably, and to keep it on its agenda.

Done at The Hague, the twenty-sixth October 1960, in a single copy, which will be deposited in the archives of the Permanent Bureau and of which a certified copy will be sent to each of the Governments represented at the Ninth Session of the Conference.

(Signed by representatives of all the States mentioned in the preamble to the Final Act.)