

**BRIEFING FOR MEETING OF THE COUNCIL ON GENERAL AFFAIRS AND POLICY OF  
THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW**

**3-6 MARCH 2020**

**General comments**

1. The purpose of this briefing is to provide a summary of the agenda items for the 2020 meeting of the Council on General Affairs and Policy (CGAP) of the Hague Conference.
2. The structure of this briefing follows the order of the agenda. Where relevant, we have noted our position on agenda items.
3. On 26 February 2020, Justice had a Quintet teleconference discussion on some of the agenda items with our Australian, UK, US and Canada colleagues (referred to as the Quintet countries below). The discussions are reflected in this briefing.
4. New Zealand is a member state of the following three (out of 41) Hague Conventions:
  - the Apostille Convention;
  - the Child Abduction Convention; and
  - the Adoption - cooperation- Convention.
5. In 2019 New Zealand signed the 2007 Child Support Convention, though this is yet to be ratified. We are also working towards accession to the Child Protection Convention through a Bill amending domestic law (scheduled to be introduced in 2020).
6. New Zealand's main interest is on the following topics:
  - private international law issues about children, including in particular international surrogacy and adoption arrangements, child protection, child abduction, foreign protection orders and the 2007 Child Support Convention (agenda items III.2, 3 and IV.1);
  - the 2019 Judgments Convention (agenda item III.6);
  - the draft rules of procedure (item VI.4): and
  - geographic representation and budget issues (items VI.7 and 9).
7. Therefore, we recommend attending the relevant sessions on 3 - 5 March 2020 where possible. We note there is also an informal meeting about budget issues on Friday, 6 March. This is not a CGAP meeting but MFAT may consider attending. Some information on financial issues are in this briefing under item VI.9.

Out of scope

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Out of scope

*Comment*

43. Honorable Justice Goddard, then QC, from New Zealand, held the role as the Chair of the Special Commission leading to the adoption of the Convention. He was appointed to the Court of Appeal in May 2019.
44. We welcome the adoption of the Judgments Convention as it could be of significant value to New Zealand from a commercial perspective, especially considering its main objectives to:
- enhance access to justice through the recognition and enforcement of judgments given by courts, and
  - facilitate trade and investment, enhance legal certainty and reduce costs associated with cross-border dealings, and the resolution of cross-border disputes.
45. New Zealand has not yet assessed whether we should sign up. This consideration should happen at the same time as the consideration of certain other Conventions (especially the Choice of Court Convention and the Evidence Convention). This is not a priority at the moment. During the drafting process, some concerns relating to intellectual property rights were raised and these are now out of scope of the Convention. (see also agenda item III.5 for potential further work on intellectual property).
46. We would in general support the use of appropriate form to facilitate the recognition and enforcement process. We do not have a view at this stage on the form presented.

Out of scope