

Concept Note for the Event “The Appeal of Private International Law through the Lens of the Apostille Convention” on September 9, 2024 (13.15-14.00 hrs.) during the 62nd AALCO Annual Session

Background

1. The Hague Conference on Private International Law (HCCH) is an intergovernmental organization established in 1893, aimed at promoting the progressive unification of private international law. Its primary goal is to create international treaties and conventions that facilitate cross-border legal cooperation and resolve the conflicts of laws in private matters. The HCCH also addresses contemporary issues in private international law, such as child abduction, international adoption, the recognition of foreign judgments, and the recognition and enforcement of foreign documents, also known as legalization.
2. Legalization is a formal process that verifies the authenticity of a public document for use in a foreign jurisdiction, particularly of the signature affixed thereto and the legitimacy of the signing authority. Traditionally, it involved multiple layers of certification by government authorities in both the issuing and receiving countries until the document is finally recognized by the destination authority.
3. Desiring to simplify and streamline legalization for the benefit of the users at both ends of the activities chain, members of the Hague Conference on Private International Law (HCCH) adopted the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, creating a new form of certification called an “apostille.”
4. An apostille simplifies the validation of public documents by replacing the complex legalization process with a single Apostille certificate. Under the Convention, it is issued by a designated authority in the document's origin country to verify the authenticity of eligible public documents. These include court documents, administrative documents, notarial acts, and official certificates attached to a privately signed document.

Latest Developments

5. As of August 2024, fourteen Member States of AALCO are Parties to the Apostille Convention, half of which deposited their instruments of accession to the Dutch Government within the last four years. This trend is greatly reflective of the growing interest among AALCO members, with at least five more members (Iran, Lebanon, Malaysia, Thailand, and Vietnam) planning on acceding to the Convention.
6. Thailand joined HCCH on 3 March 2021 and, beforehand, had already acceded to two private international law Conventions: the 1980 Convention on Child Abduction and the 1993 Convention on Intercountry Adoption. Thailand has formally begun the accession process to the Apostille Convention and the 1965 Service Convention, and

current progress strongly suggests that the country is on track to become a Party to these Conventions shortly.

Objectives

7. The 62nd Annual Session of the Asian-African Legal Consultative Organization (AALCO) to be hosted in Bangkok, Thailand, provides a great opportunity for policymakers and legal experts to learn more about the Apostille Convention and the importance of streamlining the legalization process. In addition, the event will be a platform for AALCO members, who are aspiring to accede to the Apostille Convention, to exchange views and seek clarification from current Parties with regard to the application and benefits of the Convention.

Panelists

a. Introduction Part (5 minutes)

- Introduction by Moderator
(a representative of the Ministry of Justice of Thailand - Ms. Ornyajai Phoolthanang, Head of International Cooperation)

b. Discussion Part (25 minutes)

- Overview of the Hague Conference on Private International Law (HCCH) and the Apostille Convention, and the contribution to the Private International Law by Dr. Christophe Bernasconi, Secretary-General of the HCCH (15 minutes)
- Thailand and the plan in moving forwards to become a Party of the Apostille Convention by Miss Chaowanee Tangwongprasert, Director of Legalization Division, Department of Consular Affairs, Ministry of Foreign Affairs of Thailand (10 minutes)

c. Q&A Part (10 minutes)

d. Wrap-up by Dr. Christophe Bernasconi, Secretary-General of the HCCH (5 minutes)
