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**THE ROLE OF THE HAGUE CONFERENCE
ON PRIVATE INTERNATIONAL LAW IN THE UNIFICATION
OF PRIVATE INTERNATIONAL LAW**

The relevance of the topic under consideration is determined primarily by the fact that in the context of increasing globalization, the rapid growth of migration, the expansion of private relations with a foreign element beyond the scope of national legislation, numerous civil and commercial disputes, requiring urgent resolution, inevitably arise. Given the difficulty of the choice of applicable substantive law of individual states to regulate such kind of relations, since the end of the XIX century a method of unification of private international law has been developed.

On the whole, the concept of *unification* is defined as bringing something to a single norm, system, form, unanimity [1, p. 597]. Unification of private international law, in particular, can be defined as activities of states to create uniform regulation of private law relations mainly through the conclusion of international treaties within the framework of international organizations. Among numerous international organizations the Hague Conference on Private International Law (hereinafter referred to as the HCCH) plays a leading role on the issue.

In this article we will attempt to figure out in which areas legal unification within the framework of the HCCH has achieved success and has affected national legislations with emphasis on Ukraine.

It should be noted that the HCCH started as a permanent diplomatic conference: its first meeting, held on September 12, 1893, was initiated by Tobias Asser, a well-known lawyer and a Nobel Prize winner [2]. From that time up to 1904 four sessions of the HCCH took place that resulted in a number of international treaties in the field of family relations and civil procedure. Three conventions were adopted in 1902: relating to the settlement of the conflict of the laws concerning marriage; concerning divorce and separation; relating to the settlement of guardianship of minors. Three conventions were developed and adopted in 1905: relating to civil procedure; effects of marriage; deprivation of civil rights [3]. The importance of the conventions was that at that time they became the first international documents regulating legal conflicts in similar issues in European countries.

The further vigorous activity of the HCCH continued after the Second World War, when it was established as an international organization with the entry into force of the Statute of the Hague Conference on Private International Law on July 15, 1955 [2], which in its Article 1 designates the main purpose of the HCCH «to work for the progressive unification of the rules of private international law» [4].

The main activity of the HCCH has been focused on the development of multilateral treaties in various fields of private international law, though in 2015 adopted its first soft law instrument – the Principles on the Choice of Law in International Commercial Contracts¹. Over 40 conventions were concluded under its auspices covering three main categories: 1) international protection of children, family and property relations; 2) international legal cooperation and civil procedure; 3) cross-border commercial and financial law

According to international experience, conventions aimed at expanding the administrative and judicial cooperation of states have been admitted as the most effective and fruitful. Among these instruments are the Convention of March 1, 1954, on Civil Procedure; Convention of October 5, 1961, Abolishing the Requirement of Legalization for Foreign Public Documents; Convention of March 18, 1970, on Taking of Evidence Abroad in Civil or Commercial Matters, etc. Recently in this field there were adopted two related documents: Convention of June 30, 2005, on Choice of Court Agreements (entered into force on October 1, 2015) and Convention of July 2, 2019, on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters (hereinafter – the Judgment Convention) [3].

It is worth mentioning that Ukraine has actively participated in the HCCH, having joined it in 2003 [5] and ratified some conventions on the administrative and judicial cooperation and the children's protection [6]. In addition, on the agenda there is the ratification of the Choice of Court Agreement and the Judgment Conventions

¹ The Principles, in combination with hard law tools, can address a party autonomy problematic issues, hence supplementing the unification instruments.

that Ukraine signed in 2016 and 2020, respectively. According to experts' (scholars, practicing lawyers etc.) opinion, accession to the Conventions will provide Ukraine with a mechanism for the regulation and the recognition of exclusive choice of court agreements in relations with member states to the Convention, in addition, the provisions of the Conventions will serve to improve the domestic law of Ukraine promoting the practice of the choice of court agreements between parties of cross-border relations and the recognition and enforcement of foreign judgments [7, p. 186; 8, p. 180]. In particular, relevant amendments as to the recognition and enforcement of foreign judgments in Ukraine were introduced to the Law of Ukraine on Private International Law [9, art. 81].

To sum up, the HCCH has been and still remains highly effective in addressing cross-border disputes through the establishment of an international framework of multilateral and uniform rules that govern private international law. In a global community that is composed of vast and diverse judicial systems, the HCCH bridges the gap and facilitates the effective dispensation of justice while reducing costs and delays.

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