

PREFACE

When Commonwealth Law Ministers met in Barbados in 1980 they expressed their profound concern that legal systems were increasingly unable to safeguard adequately the welfare of children. They observed a trend whereby increasingly parties to dispute over custody had been abducting their children and taking them to foreign jurisdictions, frequently in defiance of court orders, to circumvent or pre-empt the operation of the law. By so doing they deprived the courts of exercising their role in assuring the best interests of the child. Law Ministers welcomed the fact that the matter was about to be addressed by the Hague Conference on Private International Law, and expressed the hope that deliberations at The Hague would not only be successful, but that a large number of countries - Commonwealth and non-Commonwealth - would accede to any resulting Convention as a matter of priority. Since then the Convention has been concluded.

In 1981 the Commonwealth Secretariat published explanatory documentation on The Hague on the Civil Aspects of International Child Abduction, prepared by Mr J M Eekelaar. This appeared in the series of "Accession Kits" for international conventions prepared by the Commonwealth Secretariat, designed to keep Commonwealth Governments who are not parties to the Conventions with which they deal, fully informed of relevant international developments and to facilitate accession by them should they wish. A number have chosen to do so.

Over the past nine years, a significant body of parties and of case law has built up with the result that the time is opportune for publication of a fully rewritten "accession kit" on this Convention.

The present "kit" has been prepared for the Commonwealth Secretariat by Professor David McClean, who has for many years acted as a consultant to the Secretariat on Mutual Legal Assistance matters and in particular on Hague Conventions in that field. The Secretariat takes this opportunity of expressing, yet again, its indebtedness to Professor McClean for his significant and continuing contributions to Commonwealth law to Commonwealth Governments and to their Law Ministers in so many tangible ways.

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