

13. How can Private International Law Contribute to a More Sustainable Life?

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INTRODUCTION

It took vision on the part of the organisers to dedicate the second European Association of Private International Law (EAPIL) conference to 'Private International Law and Global Crises'. Global crises are the order of the day: wars between and within countries despite the wealth of ethical and legal norms and institutions that have emerged since the Second World War. Similarly, we are confronted on a daily basis with the other subthemes of the conference: neglect of the rule of law, serious damage and threats resulting from human-induced global warming, and the negative worldwide impact of economic activity on human rights, the environment and good governance. But who would see *private international law* as a key to solving the enormous and complex problems surrounding these *public goods*?

Probably none of the many EAPIL participants came to Wrocław with such high expectations. More likely, they realised that private international law increasingly operates in a global context, a world in turmoil, that this context interacts with private international law and that this raises new and pressing questions for academics and practitioners working in this field. What are these questions, what is our answer to them, and is that answer right or could it be improved? How do such questions appeal to our sense of responsibility? And does that responsibility ultimately also extend to some of the global crises of our time? At least, that was how I understood the invitation to reflect inspired by the conference theme, and what drew me to Wrocław.

Agnieszka Frąckowiak-Adamska then kindly invited me to take part in the closing round table, suggesting that I might comment on the project '*The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law*'. This project originated spontaneously during a meeting between Ralf Michaels, Verónica Ruiz

Abou-Nigm, and me in the gardens of the Peace Palace in The Hague in 2018. It arose from the same realisation, namely that the global context is increasingly interacting with private international law, combined with our surprise that the UN Agenda 2030,¹ the world's roadmap to a sustainable future, refers to the role of public (international) law, but says nothing about the role and potential role of private (international) law in achieving the objectives of the 2030 Agenda.

And yet, the Sustainable Development Goals (SDGs) are a call not just to State organs, international institutions and other public authorities, but also to 'indigenous peoples, civil society, business and the private sector, the scientific and academic community – and all people'.² They set targets that necessarily require private action and changes in private behaviour, which is primarily governed by private and commercial law, and in cross-border situations by private international law.

THE PROJECT 'THE PRIVATE SIDE OF TRANSFORMING OUR WORLD – UN SUSTAINABLE DEVELOPMENT GOALS 2030 AND THE ROLE OF PRIVATE INTERNATIONAL LAW'

The book *'The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law'*, preceded by a conference at the Max Planck Institute in Hamburg, explores the (potential) relationship of private international law and Agenda 2030 for each of the 17 SDGs.³ Many chapters of the book point to private international law's

¹ United Nations General Assembly Resolution A/RES/70/1, *Transforming our World: the 2030 Agenda for Sustainable Development*, adopted on 25 September 2015, effective from 1 January 2016, <<https://sdgs.un.org/2030agenda>> accessed 28 May 2025.

² *ibid*, Declaration, para 52.

³ Ralf Michaels, Verónica Ruiz Abou-Nigm and Hans van Loon (eds), *The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law* (Intersentia 2021) <www.intersentiaonline.com/library/the-private-side-of-transforming-our-world-un-sustainable-development-goals-2030-and-the-role-of-p> accessed 28 May 2025. Following the editors' introduction, the contents are: Benyam Dawit Mezmur, 'SDG 1: No Poverty'; Jeannette ME Tramhel, 'SDG 2: Zero Hunger'; Anabela Susana de Sousa Gonçalves, 'SDG 3: Good Health and Well-Being'; Klaus D Beiter, 'SDG 4: Quality Education'; Gülüm Bayraktaroğlu-Özçelik, 'SDG 5: Gender Equality'; Richard Oppong, 'SDG 6: Clean Water and Sanitation'; Nikitas Hatzimihail, 'SDG 7: Affordable and Clean Energy'; Ulla Liukkunen, 'SDG 8: Decent Work and Economic Growth'; Vivianne Bath, 'SDG 9: Industry,

underutilisation or even neglect, not only by the SDG governance framework, but also by other global instruments, which tend to overemphasise inter-State relations, State responsibility and State legal remedies, while access to justice and legal remedies for private actors are overlooked. Many chapters also point to the unnoticed, hidden role private international law plays, with positive but also negative effects on people and the planet.

The project did not end with the book but continues, including meetings and publications in the Americas, Asia-Pacific and Africa. First, the American Association of Private International Law (ASADIP) conference in Asunción in October 2022 featured a day on 'Global and Latin-American perspectives on private international law and sustainable development'. The contributions published in the *Revista de Direito da Universidade da Brasília*⁴ address various issues of private international law and sustainable development. They include chapters on private international law and: climate change, sustainable governance regarding agricultural supply chains, environmental and gender issues, migration, access to remedy for victims of corporate human rights abuses, all focused on Latin America.⁵

Innovation and Infrastructure'; Thalia Kruger, 'SDG 10: Reduced Inequalities'; Klaas Heller, 'SDG 11: Sustainable Cities and Communities'; Geneviève Saumier, 'SDG 12: Sustainable Consumption and Production'; Eduardo Álvarez-Armas, 'SDG 13: Climate Action'; Tajudeen Sanni, 'SDG 14: Life Below Water'; Drossos Stamboulakis and Jay Sanderson, 'SDG 15: Life on Land'; Sabine Corneloup and Jinske Verhellen, 'SDG 16: Peace, Justice and Strong Institutions'; Fabrício B Pasquot Polido, 'SDG 17: Partnership for the Goals'.

⁴ Verónica Ruiz Abou-Nigm and María Mercedes Albornoz (eds), *Derecho Internacional Privado y Desarrollo Sostenible: Perspectivas Globales y Latinoamericanas* (Revista Direito.UnB 2023, vol 7, no 3) <<https://periodicos.unb.br/index.php/revistadereitounb/issue/view/2761/852>> accessed 28 May 2025.

⁵ Ines Lopez, 'Nota Editorial'; Verónica Ruiz Abou-Nigm and María Mercedes Albornoz, 'Hacia un derecho internacional privado comprometido con la materialización de soluciones "glocales"'; Ralf Michaels and Samuel Zeh, 'Sostenibilidad y derecho internacional privado' (with international climate change litigation and supply chain governance as examples); Sebastian Paredes, 'Derecho internacional privado y derecho internacional ambiental en América Latina: un futuro ineludible'; Jeannette ME Tramhel, 'Building sustainability into agricultural supply chains: what role for private international law?'; Candela Noelia Villegas, 'Retos del derecho internacional privado frente al ODS 5 de la Agenda 2030'; Valesca Raizer and Inez Lopes, 'Migraciones internacionales y derecho internacional privado: su enfoque desde el desarrollo sostenible en Latinoamérica'; Hans van Loon, 'Access to Justice (SDG 16): the Role of the Hague Conventions on Private International Law'; Mathilde Brackx, 'Access to Remedy for Victims of Corporate

Secondly, a 'Conference on Private International Law and Sustainable Development in Asia' took place in Wuhan in November 2024. The presentations covered, among other topics, private international law and: social responsibilities of Chinese State-owned enterprises, ship-building recycling in Asia, climate change litigation in Vietnam, legal identity for Asian regional migrants in the Greater Bay Area, Chinese foreign relations law, transboundary haze pollution in South-East Asia, gender and child abduction in India and Nepal.⁶ The contributions appeared in the September 2025 issue of the *Chinese Journal of Transnational Law*. Finally, a conference on 'Private International Law and Sustainability in Africa' took place in Pretoria in July 2025, and a publication is under preparation.

Obviously, the project strikes a chord across the world. And so it has become an ongoing global invitation to become more aware of the hidden and manifest, positive and negative, current and potential contributions of private international law to the aims of UN Agenda 2030. The invitation is primarily aimed at private international lawyers but is equally open to other legal scholars and practitioners, including public international law experts in particular.

Human Rights Abuse: Civil Liability Litigation in Europe, Enforcement in Latin America'.

⁶ Rong-Chwan Chen, 'Taiwan's Path toward SDG 5 in Private International Law'; Stellina S Jolly and P Malla Prakriti, 'International Child Abduction Jurisprudence in India and Nepal: an Evaluation of Gender Consideration in the Attainment of SDG 5'; Yuko Nishitani, 'Migration and SDGs in Family Relationships'; Zixuan Z Yang, 'Sustain the Legal Identity for Intra-Regional Circular Migrants in Asia: From Private International Law towards Openness, Inclusiveness and Equity in the Greater Bay Area'; Adeline A Chong and Stefanie S Schacherer, 'Extra-territorial Liability and Enforcement: Finding Ways to Tackle Haze Pollution in Southeast Asia'; Thi Quynh Tran Bui and Nguyen Thi Hong Trinh T Bui, 'Exploring the Potential for Climate Change Litigation in Vietnam: A Forward-Looking Assessment'; Anselmo A Reyes, 'The Impartial Judge, Climate Change and the Conflict of Laws'; Ke K Mu, 'State-owned Enterprises' Role in Marching towards the Sustainable Development Goals'; Zihao Z Fan, 'Cities' Roles in Transnational Access to Justice and the Sustainable Value therein: An Observation on Jurisdictional Rules of Mainland China'; Jiabao J Zhou, 'Private International Law as Foreign Relations Law? Reorienting Chinese Private International Law towards Sustainable Development'; Gérardine Goh Escolar, 'Private International Law Frameworks for the Digital and Green Economies: Crucial Tools for the Realisation of the United Nations'.

THE POTENTIAL OF PRIVATE INTERNATIONAL LAW TO COMPLEMENT BASIC INSTRUMENTS OF PUBLIC INTERNATIONAL LAW

While we see increasing complementarity between private and public international law at the regional level,⁷ there is still ample room for greater awareness at the global level of how they complement each other and how private international law can be used to achieve more fully the aims of public international law instruments, and thereby various SDGs. Two examples from our book illustrate how public international law could benefit from more engagement with private international law: one concerns the environment, including biodiversity and climate change, the other international labour law.

In his chapter on 'SDG 14: Life Below Water'⁸ Tajudeen Sanni (Uganda) recalls that the 1982 Convention on the Law of the Sea (UNCLOS) is often referred to as 'the Constitution of the Sea'.⁹ However, unlike a typical constitution, UNCLOS 'does not adequately capture the condition of the local communities, including indigenous peoples, particularly in terms of inclusion and participation as well as in terms of remedial mechanisms for harms they may suffer on the marine space'.¹¹ Its dispute settlement procedures are essentially written for States and only exceptionally open to entities other than States. The Convention does not provide standing, access to justice and remedies to, for example, local communities suffering harm in the marine space, but leaves it to the States to make 'recourse ... available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or judicial persons under their jurisdiction'.¹² Yet, enabling such communities to act before local courts could contribute, bottom-up, to reaching UNCLOS's aims.

⁷ e.g., in the context of the EU, as well as in the case law of the European Court of Human Rights (see Raffaele Sabato, 'Private International Law and the European Convention of Human Rights: Standing at the Intersection', Chapter 3 in this volume), and of the Inter-American Court of Human Rights.

⁸ Short for: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

⁹ Sanni (n 3) 451.

¹⁰ In a similar vein, the UN Agenda 2030 refers to UNCLOS as the 'international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources'.

¹¹ Sanni (n 3) 451–452.

¹² United Nations Convention on the Law of the Sea (1982, UNCLOS), art 235 (2).

Private international law could provide the principles, rules and techniques for this purpose, and thereby contribute to the achievement of SDG 14.

Similar remarks can be made regarding the 1992 Convention on Biological Diversity (CBD). By contrast to UNCLOS, the CBD expressly recognises the presence of local communities and calls on States to 'support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced'.¹³ But the Convention does not provide a mechanism for such remedial action.

Finally, neither the 1992 UN Framework Convention on Climate Change nor the 2015 Paris Agreement provide for civil, or administrative, litigation mechanisms with remedies for citizens. However, interestingly, and probably unforeseen by their negotiators, both these instruments now play an important role in *private* climate change litigation around the world.¹⁴ They have been referred to in major recent civil as well as administrative proceedings.¹⁵

These important global public international law instruments would better achieve their goals, and thereby SDGs 6, 13–15, if they did not depend only on States and international organisations for their implementation but also created space for private legal action including by providing uniform rules on private international law.

Another example in a different field comes from the important work of the International Labour Organization (ILO). The ILO's Decent Work Agenda with its four pillars – employment creation, social protection, rights at work, and social dialogue – is now an integral part of SDG 8 'Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all'. However, as pointed out by Ulla Liukkunen (Finland) in her chapter on SDG 8, 'the ILO has not comprehensively addressed the transnational dimension of decent work and social justice and related regulatory challenges'.¹⁶ Existing regulatory systems, including diverse national systems of private international law on employment contracts and labour in general, do not effectively combat various forms of social dumping, do not adequately protect posted workers, and where they provide protection, such protection does not extend to cross-border work that is not based on employment contracts. For example, a recent report, commissioned by FIFA itself,

¹³ Convention on Biological Diversity (1992, CBD), art 10(d).

¹⁴ See the Eduardo Álvarez-Armas and Olivera Boskovic, 'Climate Change Litigation: Jurisdiction and Applicable Law', Chapter 9 in this volume.

¹⁵ See Hans van Loon, 'Warming Up for Climate Litigation around the World – Recent Court Cases from the Netherlands, Germany and the United Kingdom' in Jonathan Harris and Campbell McLachlan (eds), *Essays in International Litigation for Lord Collins* (OUP 2022) 84, 99–100.

¹⁶ Liukkunen (n 3) 279.

speaks of the ‘severe human rights impacts’ surrounding the 2022 FIFA World Cup – including deaths, injuries, unpaid wages for months, and crippling debt for workers and their families, who had to pay back fees related to obtaining jobs in Qatar. It shows how even a global, and globally broadcasted, professionally organised sporting event may fail to protect the very workers – from India, Pakistan, Bangladesh, Nepal and Sri Lanka, among others – who make such an event possible.¹⁷

In short, there is currently an imbalance between the global order for decent work and the cross-border protection of labour rights. Existing ILO instruments need to be complemented by a global system of private international law to ensure adequate protection of labour rights in transnational situations, in order to promote the objectives of SDG 8. I will return to this point in the next section.

THE NEED FOR PRIVATE INTERNATIONAL LAW TO ENGAGE MORE VIGOROUSLY IN ACHIEVING THE SDGS

While those working on public international law instruments would benefit from support by private international law to reach their goals more effectively – including those covered by the SDGs – private international lawyers need to become more aware of their role in the global legal architecture and to that end, engage with their public international law colleagues.

As Alex Mills has forcefully argued, private international law functions as a system for the ordering of regulatory authority in the field of private and commercial law. It thus has a public constitutional function that acknowledges the variety of legal cultures and systems in our world, and seeks, horizontally, to reduce conflicts between them and, vertically, to embody and/or recognise fundamental norms including those defined at the global level.¹⁸

In some private international law fields this awareness is already alive, in others it is still dormant or absent. In the field of cross-border protection of children and families, the widely embraced Hague Children’s Conventions reflect a worldwide realisation of the need to coordinate the diversity of rules on protection of children and families and to create systems of direct cross-border cooperation between courts and administrative bodies to this

¹⁷ Juliana Kim, ‘FIFA should pay workers harmed in building World Cup venues, its committee report says’ *NPR* (Washington D.C., 30 November 2024) <<https://www.npr.org/2024/11/30/nx-s1-5211297/soccer-qatar-world-cup-saudi-arabia-human-rights>> accessed 20 June 2025.

¹⁸ Alex Mills, *The Confluence of Public and Private International Law – Justice, Pluralism and Subsidiarity in the International Constitutional Ordering of Private Law* (CUP 2009).

end.¹⁹ These Conventions accord with, and reinforce international human rights instruments, especially the 1989 UN Convention on the Rights of the Child (UNCRC). The spin-off at the global level of this confluence of private and public international law has been considerable: the UN Committee on the Rights of the Child assists in monitoring the practical operation of the Hague Conventions and encourages UNCRC States parties to join them, UNICEF promotes and supports their application, etc. All this serves SDGs 1, 5, 8 and 16, among others. And there is potential for more such synergy between private international law and global human rights law.²⁰

On the other hand, the SDGs are a call to private international law to realise not just the possibilities but also the limitations and abuses of a cherished tool such as party autonomy.²¹ Party autonomy enables a choice of legal regulation in cross-border situations best adapted to the needs of the parties. It can thus provide the proper legal regime for transnational contracts aimed, among others, at ensuring food security, health, education, availability of water and sanitation, access to energy, decent work, and developing sustainable infrastructure – SDGs 2–4, 6–9. It may also, under some legal regimes, assist victims of environmental harm, including the effects of climate change, in tort actions (SDGs 13–15).²² However, party autonomy carries a risk for sustainability if it leads to exploitation of weaker parties and negative externalities such as breaches of human rights, damage to the environment and corruption.²³ In such cases it may contribute to the ‘fundamental institutional misalignment... between the scope and impact of economic forces and actors, on the one hand,

¹⁹ Think of the Hague Child Abduction Convention (1980), the Hague Adoption Convention (1993), the Hague Child Protection Convention (1996) (see Irina Dikovska, ‘Dealing with War-induced Migration: Family Law Aspects’ Chapter 6 in this volume) and the Hague Child and Family Support Convention with its Protocol on applicable law (2007).

²⁰ See further Hans van Loon, ‘The present and prospective contribution of global private international law unification to global legal ordering’ in Franco Ferrari and Diego Fernández Arroyo (eds), *Private International Law – Contemporary Challenges and Continuing Relevance* (Edward Elgar 2019) 214, 219–223.

²¹ See also Verónica Ruiz Abou-Nigm, ‘Private International Law and Global Responsibility’, Chapter 2 in this volume.

²² See Álvarez-Armas and Boskovic (n 14).

²³ See Ralf Michaels, Verónica Ruiz Abou-Nigm and Hans van Loon, ‘Introduction’ in Ralf Michaels, Verónica Ruiz Abou-Nigm and Hans van Loon (eds), *The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law* (Intersentia 2021); Beiter, ‘SDG 4: Quality Education’ (n 3); Bath, ‘SDG 9: Industry, Innovation and Infrastructure’ (n 3); Stamboulakis and Sanderson, ‘SDG 15: Life on Land’ (n 3).

and the capacity of societies to manage their adverse consequences, on the other',²⁴ denounced by the 2011 UN Guiding Principles on Business and Human Rights (UNGPs).²⁵

It seems to me that private international law is at the beginning of a 'learning curve' regarding its relevance to the global context, and some of the world's global crises. The 2019 Hague Judgments Convention may provide an illustration in this regard. This Convention, together with its companion, the 2005 Choice of Court Convention, will hopefully soon be widely ratified: together these instruments provide basic infrastructure for a world of diverse but interdependent legal systems. The Preamble of the Judgments Convention states as its aim 'promoting access to justice for all' and 'facilitating rule-based multilateral trade and investment, and mobility'. This can be linked to SDGs 10 'facilitate orderly, safe, regular and responsible ... mobility', 16, 'promoting access to justice for all', and 17, 'promoting a rules-based, open non-discriminatory and equitable trading system'. However, the Explanatory Report is silent on the Preamble and says nothing on UN Agenda 2030 or indeed any other relevant texts such as the UNGPs. And yet, the Convention will operate '[w]ithin a framework where human rights and UN Sustainable Development Goals (SDGs) are an important contemporary normative part of international law'.²⁶

On the one hand, it is real progress that the 2019 Convention, unlike its 2005 sister, in certain cases protects *employees* against the recognition and enforcement of decisions rendered against them. This meets some of the concerns about the current absence of protection of workers in private international law noted above.

On the other hand, however, regarding the *environment*, the 2019 Convention offers less relief than might have been expected. A careful proposal by the Hague Conference's Permanent Bureau to include marine pollution in the

²⁴ John Ruggie, *Report of the Special Representative of the Secretary General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, UNGA doc. A/HRC/4/35, 2007, 3. John Ruggie's Final Report (A/HRC/17/31) includes the *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, endorsed by the UN Human Rights Council in its resolution 17/4 of 16 June 2011.

²⁵ See Klaas Eller, 'Private International Law and the Interlegality of Global Value Chain Due Diligence', Chapter 12 in this volume.

²⁶ Marcos Dotta Salgueiro, 'Grounds for Refusal' in Matthias Weller and others (eds), *The HCCH 2019 Judgments Convention – Cornerstones, Prospects, Outlook* (Hart 2023) 71. See also Hans van Loon, 'General Synthesis and Future Perspectives' in Matthias Weller and others (eds), *The HCCH 2019 Judgments Convention – Cornerstones, Prospects, Outlook* (Hart 2023) 355, 371–374.

Convention was, for the most part, rejected. The Convention's jurisdictional filter for foreign judgments on non-contractual obligations excludes economic damage, does not provide that decisions of the court of the place where the damage occurred are eligible for enforcement, and is not adapted to collective actions.²⁷

Both transnational workers and the environment would benefit from global regulation through private international law.

Regarding *transnational workers*, the lack of a global private international law infrastructure has two aspects. One is the absence of global rules on jurisdiction, applicable law, and recognition and enforcement of judgments (aside from the protection offered by the 2019 Convention). But there is an additional problem, which stems from the interplay of migration law, and private substantive and private international law.

The prevailing view on labour migration takes a State-perspective. It sees *waves* of migrants, with little eye for the individual worker. That perspective prompts thinking in terms of *unilateral* regulation by States of the 'stream' of (potential) workers, often with the declared aim of *reducing* migration, while the reality is that western economies increasingly, and probably for decades to come, need labour migration in fields like health care and agriculture, construction and transport.²⁸

By contrast, a private international law approach to labour migration will focus on the individual trajectory of each worker. Such a perspective would soon reveal that cooperation between countries of origin and countries of destination is needed, for example, to adequately prepare workers for their job abroad, to safeguard their return and their reintegration, to facilitate circular migration between the two countries, to license and control recruitment agencies, and to ensure safe and cheap transfer of remittances sent by workers to their country of origin. Enduring close cross-border *cooperation* between States, as provided for in Hague Conventions such as the 1993 Adoption Convention, and the 2007 Child and Family Support Convention, to regulate migration of workers, would offer a more realistic alternative to the current unilateral State-centric

²⁷ Art 5.1 (j): 'A judgment is eligible for recognition and enforcement if ... [it] ruled on a non-contractual obligation arising from death, physical injury, damage to or loss of tangible property, and the act or omission directly causing such harm occurred in the State of origin, irrespective of where that harm occurred.'

²⁸ See e.g. Amy Pope (Director General of UN International Organisation for Migration), 'Migration Can Work For All. A Plan for Replacing a Broken Global System' *Foreign Affairs* (New York City, 07 January 2025) <www.foreignaffairs.com/united-states/migration-can-work-all> accessed 28 May 2025.

approaches.²⁹ If this is complemented by rules on jurisdiction, applicable law, and enforcement of judgments, then a private international law system comes into view that can make a real contribution to decent work.

Regarding the *environment*, one way to fill the existing gap noted above would be to supplement the 2019 Convention with a Protocol to make it suitable for judgments in environmental matters. Better still, as a more ambitious project, the Hague Conference could again take up the idea of a more complete global instrument on jurisdiction, applicable law and the recognition and enforcement of decisions in environmental, climate change, and possibly biodiversity matters, supported by a system of administrative cooperation, which was previously on its agenda. The technical feasibility of such an instrument has already been the subject of extensive research.³⁰

A ROLE FOR LEARNED PRIVATE INTERNATIONAL LAW ASSOCIATIONS

This brings me to a final remark, which concerns the role, and potential role, of the EAPIL – having boldly chosen ‘Private International Law and Global Crises’ as the theme for its Wrocław conference – in helping increase private international law’s engagement with the SDGs, and more broadly with the global legal framework within which private international law operates.

The EAPIL is not the only learned association in the field of private international law facing this challenge. The European Group for Private International Law (GEDIP/EGPIL), the American Association of Private International Law (ASADIP), and now also the Australasian Association of Private International Law (AAPIL) are likewise concerned, each from their own perspective. The EAPIL may wish to reach out to its sister organisations to reflect, and possibly also act, together.

One such possibility for common action is offered by the possibility of contributing, as observers, to the work of organisations active in global legislation on private international law, notably the Hague Conference on Private International Law (HCCH). Traditionally, the HCCH welcomes active participation by international observer organisations, including non-governmental organisations. They may participate and intervene during meetings. While they do not participate in the decision-making process, nothing prevents them from developing suggestions for future work. Nothing prevents them either from consulting with other observer organisations on such suggestions,

²⁹ See Hans van Loon, ‘La nécessité d’un cadre mondial de coopération pour une réglementation durable de la migration des travailleurs’ (2024) 213 *Revue critique de droit international privé* 218.

³⁰ See van Loon (n 20) 231–234.

developing them jointly, and submitting proposals to the full Conference meetings. Moreover, observers are free to consult with Members of the Conference, liaise with one or more of them, who may then adopt the proposal, and submit it on their own behalf, or jointly with the observer organisation, to the meeting. The importance, and indeed the need, of such contributions by learned associations in the field of private international law to the work of the HCCH, and possibly also to other organisations where they have observer status, is likely to increase. There was a time when the Member States mainly sent prominent academics to The Hague. Today government officials are in the majority and, given their role in ensuring workable instruments, their input is also essential.

However, the need for scientific research, inspiration and vision remains. One way of meeting this need could be for academic observer organisations to play a more proactive role, naturally within the framework of the rules of procedure of the Hague Conference. This is an idea that the EAPIL might wish to consider.