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PRESS RELEASE

**Opening speech by Dr Tonio Borg, minister for Justice and Home Affairs of the Hague Conference on Private International Law**

Excellencies,  
Ladies and Gentlemen,

It is a pleasure to be here and to have you. We are proud that this conference organized by the Hague Conference on Private International Law and ourselves is being held in these islands. Through the centuries we have used our geographical position to good use. History is evidence of the numerous and significant moments in world and Mediterranean events when Malta served as a safe haven for debate and dialogue. We could attribute this to our climate or better to our strategic position in this great sea. An area which has contributed significantly to civilization. We must remember that this archipelago has been an active participant through the centuries and can proudly declare to have had an influence in the making of what the Mediterranean is to-day with its cultural, social and economic wealth and diversity.

We are thus delighted to serve once again as a safe venue for debate and discussions on such an important issue into to-day's world. This "Judicial Conference on Cross-Frontier Family Law Issues" is an important step in the development towards further unification in matters pertaining to Private International law. An on going process which did not begin yesterday and one to which our maltese jurists have given their contribution. It is not a miss to mention here the input of Sir Ugo Mifsud a lawyer and former Prime-Minister of this country who to put it mildly was active a century ago towards the need for common rules and practice in this field of law.

Malta has become a member of the Hague Conference on the 30<sup>th</sup> January 1995 and up to date we are a party to three conventions, i.e. that of the 5<sup>th</sup> October 1961 abolishing the requirement of Legislation for Foreign documents, that of the 25<sup>th</sup> October 1980 on the Civil Aspects of International Child Abduction and that of the 1<sup>st</sup> July 1985 on the Law Applicable to Trusts and on their Recognition . We hope

that in the very near future we will also be a party to that on Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial matters of the 5<sup>th</sup> November 1965, that on the Taking of Evidence Abroad in Civil or Commercial Matters of the 18<sup>th</sup> March 1970 and that on the International Access to Justice of the 25<sup>th</sup> October 1980. We are also actively examining five other conventions to which we also hope we will be in a position to accede.

The fact that we have signed and acceded to the above mentioned convention on the Civil Aspects of International Child Abduction which has been in force in this country on the 1<sup>st</sup> January 2000 goes to show our active interest and awareness of the problems and difficulties which to-day's subject entails.

We believe we have a duty towards our people to act on these matters in the best possible manner. As whatever we may say we have to accept that our citizens are continuously crossing and settling from one country to another. Marriages between citizens of different countries with their respective ideas on what constitutes a family and what are the rights and duties of the partners is the day to day reality. We cannot escape these facts. We can only act in the right direction through debate and dialogue to attempt at reducing the sufferings and useless anguish the partners and their children go through when that family unit breaks down. We have a moral duty to these people who find themselves intertwined in the legal procedures and mechanisms of our different systems. We should thus try to create through safe and accepted methods by which which we can legally guarantee access to children. Where we can start to find a manner which will allow us to legally accept the decrees and decisions given by our respective courts of law. Our citizens are suffering both from the tragedy of a broken marriage and the manner and length of court procedures. With good efforts we can come to a point where this present situation is changed.

There are here to-day the necessary elements and ingredients for this future development towards a better approach to these problems. The Hague Conference on Private International Law, the distinguished participants including both the Council of Europe and the European Council to our meeting with their expertise and experience, and our country should give the right impetus.

We sincerely augur that the required results will be achieved to the satisfaction of all parties and that this conference we will be the first of a series to which we would be happy to host. Good luck and Buon lavoro.

