

## International Conference on the Globalisation and Internationalisation of Law (8 May 2003)

*The international conference on the globalisation and internationalisation of law was a highlight of the congress. Facilitated by Mr. Leo Netten and Mr. Jean-Paul Spinelli, this event brought together some of the most eminent representatives of the greatest international organizations of judicial law.*

The eclecticism of its participants was only matched by the scope of their geographical origins. Whereas there are only sporadic speeches on the globalisation of markets and the internationalisation of law, we had the opportunity to listen to the greatest European, American, African and Asian specialists directly involved in these new "global" doctrines. Their experience and their actions which are considered in measuring the globalisation of law and, in effect, in the creation of a universal legal area, were such that it was possible to have a better understanding of these notions which were still rather abstract for most of the participants at the conference.

Mr. Mario Tenreiro, Unit Manager of the European Commission "JAI" Directorate, made a contribution on the "construction of the European civil and commercial legal area" by giving, in his introduction, from the Treaty of Rome to the European Council of Tampere in 1999, a short history on the construction of the European legal area. Mutual understanding and the first instruments (Ruling on exequatur in civil and commercial matters and in matrimonial matters) were mentioned while the somewhat complex technique of implementing norms was clearly explained. Among the measures targeted by the European Union are the information and the improvement of conditions of access to law in civil and criminal matters.

Finally, Mr. Tenreiro concluded by mentioning future prospects in connection with, notably, reflections or work undertaken with The Hague Conference, Unidroit, the Council of Europe, etc.

Mr. Christophe Bernasconi, first secretary of The Hague Conference presented this grand institution and its "empire", in particular in the context of the 1965 Convention on the service abroad of documents which is applied in more than 60 countries. He was pleased with the relations maintained with the UIHJ and the fruitful cooperation which has been established between the two organizations. The Convention of 15 November 1965 on the service of documents was, of course, at the centre of Mr. Bernasconi's speech who took advantage of his presence in Tunis in order to launch an appeal to the States and to invite them to adhere to the Conference.



*Kwawo Lucien Johnson, secrétaire permanent de l'OHADA  
Permanent secretary of OHADA*

The first secretary of the Conference, also, indicated that a new practical manual on the use of this Convention was under consideration.

Mr. Kwawo Lucien Johnson, permanent secretary of the OHADA, spoke about the "innovation of business law in Africa through the OHADA". In this regard, this eminent speaker discussed the foundations and the future of the OHADA by mentioning the legal context surrounding the advent of the OHADA and whose cause originated in the desire of the states in the region to remedy the legal insecurity which threatened business there.

This legal insecurity is explained by the obsolescence of legislation in the countries concerned which for many predates their independence.

Free enterprise considered on the scale of internationalisation, stabilisation of activity examined in the context of group strategy, investments envisaged through the effect of a renewed current of internal trust; these are a few of the major moves which have inspired the OHADA, a typically African organisation, which unites 16 countries under the auspices of a treaty signed in Port-Louis on 17 October 1993.

In accordance with this treaty, 8 uniform acts have already been published which are as diverse as, for example, those relating to the organisation of procedures or on the consistency of company accounting.



*André Thomashausen, professeur à l'Université de Pretoria (Afrique du Sud)  
Professor at the University of Pretoria (South Africa)*

The OHADA consists of a general secretariat, a magistracy school and a Common Court of Law and Arbitration.

Mrs. Frédérique Ferrand, professor at the University of Lyons, member of Unidroit, developed the theme of the "modelled global civil procedure": the project, Ali-Unidroit, of principles and rules of trans-national civil procedure".

Mrs. Ferrand successively talked of the role and the place of Unidroit in the world and the action of the American Law Institute through objectives targeted by its members.

Unidroit is an independent intergovernmental organization which unites 59 States throughout the world and whose vocation is to further the elaboration of conventions, studies and projects intended to promote the harmonisation and the coordination of private law in these States.

The American Law Institute's objective is to further the clarification and the simplification of the law and to ensure a better adaptation to social needs, a better administration of justice and to encourage legal and scientific works. Its President is Mr. Geoffrey Hazard, professor at the University of Pennsylvania.

Unidroit and Ali have united to present to the States a project to implement the rules of trans-national civil procedure applicable to international commercial disputes.

The final aim is found in the pronouncement of principles which attempt to elaborate "a globalisation of the trial" through that which the traditionalists, who are civil law enthusiasts, would call a "global procedure code".

Finding a common technique to elaborate principles and rules has been the aim of most of the work undertaken for the past several years by the experts of the group who have always made sure that a model of

proceedings, which is fair and modern and which protects those to be tried, is preserved.

The following speaker, Mr. Roger Dujardin, bailiff and Vice President of the UIHJ, set out to demonstrate, under the title "globalisation and the quality of law", the advantages in determining the notions of "economic globalisation of law" and the "internationalisation of law", a slight but pertinent difference with regard to the consequences of globalisation which result in the standardisation of the law. However, beyond this, the strong point of Mr. Dujardin's speech related to the dangers posed to the law by the media.

The lack of serenity of the law illustrated, for example, by a forest of microphones or cameras set up around the accused or prisoners, or the images shown by television, with sequences in legal affairs knowingly selected and powerfully suggestive for the spectator, are devastating for the institution's image.

This leads Mr. Dujardin to question the imbalance between the ethics regulations of media agents and those of legal players by stating his opinion that populism is highly dangerous with regard to the law. In Mr. Dujardin's opinion, only a strict separation between the powers would guarantee a legal state and the proper functioning of democratic rules to the benefit of that obligatory distinction which these two notions of "law of internationalisation" and "internationalisation of the law" impose.

Professor Hubert Reid, former dean of the law faculty of the Université Laval du Québec, Canada, at the beginning of a brilliant speech on "civil procedure and trans-national disputes: what are the future prospects?" questioned the internationalisation phenomenon which should not be limited to commerce; leading to an in-depth reflection by the UIHJ on the future of trans-national civil procedure.



*Le professeur Kazuhiko Yamamoto, de l'Université de Hitotsubashi (Japon)  
Professor Kazuhiko Yamamoto,  
from the Hitotsubashi University (Japan)*

Canada's experience, as a mixed federal State, accustomed to bi-legalism and bilingualism, fits into the theme of the conference at an appropriate time.

From a legal point of view, the Quebec model of the civil procedure code, mixed with Common Law (e.g. the joint action of "class-action) and recently modified, makes it possible to pass from one language to another, from private law to public law, from Quebec legislation to federal legislation and from civil law to Common Law!

With regard to trans-national civil procedure, Professor Reid appeared extremely divided, in particular on the conception of the project "sort of trans-national legal code" proposed by Unidroit/Ali.

According to Mr. Reid, the project nevertheless sets out principles which, for the most part, could be used as a foundation to trans-national civil procedure.

He was most reticent to adhere to special rules relating to the development of the proceedings in trans-national cases, especially if they are destined to apply only to commercial matters.

Following North America, Southern Africa was represented by its eminent ambassador, Professor André Thomashausen from the University of Pretoria (South Africa).

Under the heading "legal cooperation by unequal partners: the execution of law across the frontiers of the SADC countries" (SADC: Southern African Development Community), Professor Thomashausen showed us the difficulty in creating movements of synergy across the 14 countries forming the SADC, a geographic sector which is strongly shunted around between the influence of Common Law, the Romano-Dutch traditional law, Belgian law, Portuguese law or the law inspired from simple socialism.

There lies an essential difference with the OHADA zone which appears to be more privileged with a unity of language and legal principles (French) and an identical monetary structure (the CFA franc).

The aim of the SADC, which resulted from the Windhoek Treaty of 1992, is "to achieve economic growth, political stability and security for all its members through the promotion of sustainable development". For the countries concerned, harmonization has become an international legal commitment materialized through the implementation of a certain number of protocols.

We cannot resist reproducing the concluding words of Professor Thomashausen: "we must anticipate further sharp declines in the level of foreign investment in Africa if the legal systems are not modernised and supported by an appropriate legal system and brought



*Leo Netten, 1er vice-président de l'UIHJ  
1st Vice-president of UIHJ*

up to the levels of competence accepted by the rest of the world".

These words are so comforting for the UIHJ which continues to promote its theory that the lack of strong legal institutions and an efficient legal system deter naturally nervous investors faced with legal insecurity. The last specialist, but certainly not the least, because his participation has been greatly anticipated, is Professor Kazuhiko Yamamoto of the University of Hitotsubashi, Japan, a well-known figure in Europe (Council of Europe - University of Lyons, France). He brings with him (and this is a great innovation) the academic touch of Asia by projecting the outline of Japanese judicial law conceived in a process of continental influence from a viewpoint of the globalisation of the law.

First of all, Professor Yamamoto gave a brief historic insight going back to the source of inspiration of his country, in civil law and civil proceedings, by recalling the alternative which had marked his country with regard to a legal culture wavering between French and German law. Nevertheless, civil procedure still remains clearly influenced by the principles of French law, reduced by the domain of proof by American law "finally, Japanese law is now a juxtaposition of many varied legal systems".

Continuing with the immense talent which characterized his presentation, Mr. Yamamoto spoke about the legal cooperation between Japan and the states of the region, underlining the strong demands made by countries reconstructing their legal systems (China, Vietnam, and Cambodia). Mr. Yamamoto explained the refined concept of the Asian culture, modelled on Western techniques and its traditional adaptation.

This is the present direction of Japan's contribution "in other words, the literal application of the globalisation of the law".



**Hubert Reid, Former dean of the Law Faculty of the University of Laval - Quebec (Canada)**  
**Ancien doyen de la Faculté de droit de l'Université Laval du Québec (Canada)**

It remained for Mr Nadhir Ben Ammou, professor at the School of Law and Political Sciences in Tunis to take on the difficult task of synthesis.

The task was not an easy one, as the quality of successive experts, combined with the scope of their often specialised involvement, did not favour a more classic synopsis.

Professor Ben Ammou had even greater merit at having succeeded in compiling a report that is both original in his perception and hopeful in its vision.

The globalisation of law, according to Mr Ben Ammou, can appear, either optimistically or pessimistically, to stem from feasibility or from utopia, but whichever form it takes, it is a reality that cannot be ignored and that calls for an understanding of the stakes, the means and the limitations involved.

Calling for harmonisation - even a limited harmonisation which would likely dispel the fears that litigants experience when faced with a foreign judicial system - Professor Ben Ammou asked the question: is the globalisation of procedural law and of administration procedures conceivable outside of the globalisation of substantive law?

The question, observed the reporter, had not been asked, the majority of those involved having insisted on material law and having invoked the need for harmonisation of enforcement procedures which alone could guarantee the globalisation of law. We have thus gained certitude through contributions, that globalisation calls for a shift in mentality and behaviour on the part of States, without which all projects can be only speculative.

Embracing the importance of the Hague Conference statute on Private International Law, the speaker reviewed the various global political organisations in order to highlight the degree to which regional experience of the "communitarisation" of law within

the European Union and the creation of Uniform Acts under the OHADA treaty were indicative of integration on a universal scale. It is true in both these cases that the territories concerned benefit from a highly favourable convergence environment.

Incidentally, the particularism displayed by Canada, who happily combines Common Law and civil code, or even by Japan, a mixture of culture, Roman-Germanic (German law) and Latino-Roman (French law) and Common Law (American law), cannot help but provoke thought on the art of reconciling the blend of cultures, given that Japan is today extending its influence towards her Asian neighbours (Cambodia, Vietnam, etc.). Food for thoughts indeed.

Coming to the end of his speech on harmonisation, Professor Ben Ammou referred to the ALI/Unidroit project, declaring that, "such a technique affords the advantage of moving forward with the progressive and reasoned construction of globalised law. The solutions proposed are confronted with the dictates of practice, and they shall be upheld, improved or abandoned as required".

Lastly, the speaker concluded by asserting there are no alternative options to the globalisation of law, "it is a question of arriving at a sort of judicial Esperanto, without prejudices, and without any one system dominating the others. In other words, the globalisation of law is indeed possible on the condition that it is founded on the reasonable and aimed towards the just". Therein lays the way to deeper reflection.



## Panel sur la création d'un espace de justice mondial



*Le panel sur la création d'un espace de justice mondial  
Panel on the creation of a universal space of justice*

L'internationalisation a des vertues miraculeuses. De nombreux Etats d'Europe centrale et de l'ex-bloc soviétique, après avoir été englués dans l'ère soviétique, se tournent désormais vers une économie de marché et s'apprentent à rejoindre l'Union européenne pour travailler ensemble non seulement sur le terrain économique mais également dans le domaine de la justice. L'Afrique, de son côté, a mis en place divers instruments communautaires, notamment en matière d'exécution de justice, comme par exemple le SADC et l'OHADA. Et aux Etats-Unis, il faut désormais compter au niveau mondial avec la NAPPS.

La création d'un espace mondial de justice n'est-elle qu'un fantôme, une utopie, ou pouvons dire qu'à l'avenir, cet espace deviendra réalité ?

C'était l'un des points clés du 18<sup>e</sup> congrès de l'Union internationale des huissiers de justice à Tunis. Un point clé où il était question de statut mondial de l'huissier de justice, comme le mentionnait Jacques Isnard, président de l'UIHJ.

Une gageure réaliste en a conclu le Congrès. Les systèmes juridiques sont complexes. Si un tel système devait avoir une portée mondiale, il devrait prendre en compte de nombreux paramètres destinés à trouver un équilibre entre le législatif, l'exécutif et le judiciaire. Cette recherche touche des domaines multiples : la reconnaissance mutuelle des décisions de justice, les standards minimums concernant l'aide juridique, la connaissance suffisante des différents systèmes de droit interne, les règles communes de procédure pour le règlement des litiges concernant des montants de faible importance et pour les créances incontestées, les règles internationales relatives à la signification des actes de procédures ou encore relatives à l'exécution des décisions de justice.

## The creation of a world wide area of justice



*Honoré Aggrey,  
Member of UIHJ  
Membre de l'UIHJ*

Internationalization seems to be a magic word. Countries of Central Europe and the former Soviet Union struggled from a Communist ruled state towards a free market democracy and are now at the point of joining the European Union, working together not just in the field of economics but also in the field of justice. Africa is working together in cross border civil law enforcement in e.g. SADC and OHADA. And in America we have e.g. NAPPS.

A world wide judicial area is such a perspective just a fantasy, a Utopia, or can we say that in future such an area will be realised?

It was the question of the 18th Congress of the UIHJ in Tunis. The question of a judicial officer with a planetary function as Mr. J. Isnard, president of the UIHJ mentioned it.



*Jos Uitdehaag  
Deputy Chairman of the Tunis Conference  
Rapporteur général adjoint du congrès de Tunis*

A realistic challenge concluded the Congress. Legal systems are complex. If such a system wants to be mentioned on an international level as a world wide, legal system, it needs to be balanced. Or, as the Congress concluded: a balance between legislature, the executive and the judiciary. A dynamic and ever changing balance: mutual recognition of court decisions, minimum standards on legal aid, information on the different national legal systems, common procedural rules for simplified and accelerated cross-border litigation on e.g. small claims and on uncontested claims, procedural rules on international service, rules on enforcement and so.

# Table ronde sur les biens insaisissables

**Chaque pays dispose de limites légales ou pratiques à l'exécution des décisions de justice et autres titres exécutoires que les huissiers de justice et agents d'exécution ont la charge de ramener à exécution.**



*Bernard Menut, secrétaire de l'UIHJ*  
*Secretary of UIHJ*

C'est souvent dans la culture du pays, mais aussi dans son niveau de vie, qu'il faut chercher les racines de ces dispositions légales limitatives. Elles apparaissent comme un élément modérateur, tout autant que social, des conséquences que pourrait avoir l'application de normes trop rigoureuses.

La table ronde qui s'est tenue à Tunis, lors du congrès international de l'UIHJ a eu pour mérite de mettre en lumière, les différences notables qui existent entre les continents, les pays.

Les différents intervenants ont su montrer, au regard de leur expérience, les restrictions que représentent pour les créanciers,

l'existence de biens insaisissables.

La notion même de biens insaisissables est extensible, englobant à la fois les biens meubles et dans certains cas les véhicules, mais aussi certains actifs monétaires, le plus généralement issus des rémunérations du travail.

Pour autant, la diversité des législations, et les Etats Unis en sont à cet égard le parfait exemple, n'a pas permis de dégager une politique commune.

Tout au plus, quelques lignes de force émergent. Le débiteur doit conserver un minimum vital (variable selon les pays) lui permettant de vivre décemment. Pour autant, il doit payer sa dette parfois même par une saisie

de revenus d'origine "sociale" (comme en Hollande).

Les biens religieux ou culturels ou ceux servant à la formation sont insaisissables, de même les biens qui servent à la préparation des repas.

Chaque participant a pu comparer sa législation, et ses pratiques professionnelles avec celles d'autres collègues venus d'horizons différents. De ce mélange des cultures et des législations, chacun aura pu enrichir sa connaissance de l'autre, et mieux relativiser sans doute, ses propres difficultés.



# Round table on non-seizable property



*Balju/Sheriff at Johannesburg (South Africa)  
Robby Schiltz, Sheriff à Johannesburg (Afrique du Sud)*

*All countries have legal or practical limitations with regard to the penforcement of judgments and other orders, that bailiffs and enforcement agencies are responsible for enforcing.*

It is often within a country's culture, or also within its standard of living, that we need to search for the source of these restrictive legal provisions. They seemingly serve to regulate, and to socialise, the possible consequences of applying unduly rigorous standards.

The merit of the round table held in Tunis, during the international UIHJ congress, was to bring to light the notable differences that exist between continents and between countries. The different speakers were able to demonstrate, through their experience, the restrictions that the existence of non-seizable property represents for creditors.

The very notion of non-seizable property is extensible, encompassing not only personal property and in some cases vehicles, but also certain monetary assets, usually from salaried income. And yet the diversity of legislations, the United States being the perfect example of this, has not made it possible to bring about a common policy.

At the very most, a few guidelines are emerging. The debtor must retain a minimum living wage (varies by country) that enables him to live decently. However, he must pay off his debt, sometimes even by the seizing of income of "social" origin (like in Holland).

Religious or cultural property or that used for education is non-seizable, the same applying for property that is used to prepare meals.

Each participant was able to compare its legislation and professional practices with those of other colleagues from different backgrounds. From this blend of cultures and legislations, each was able to better his knowledge of the other, and to no doubt better relativize his own difficulties.

## Cérémonie de clôture

**La cérémonie de clôture, placée sous la présidence de M. Mondher Znaïdi, ministre du Tourisme, était ouverte par une allocution du président de l'UIHJ, Jacques Isnard qui devait rappeler les quatre objectifs essentiels que le nouveau bureau s'était tracés pour les trois années à venir.**



*Mondher Znaïdi,  
ministre du Tourisme  
de Tunisie  
Minister  
of Tourism of Tunisia*

Ces quatre objectifs sont les suivants :

- Poursuivre la mise en œuvre d'une profession d'huissier de justice à visage universel calqué sur le modèle inspiré du statut de l'huissier de justice français en privilégiant le triptyque : signification - exécution - recouvrement.

- Maximaliser les régimes judiciaires favorables à la transmission directe des actes judiciaires entre huissiers de justice et promouvoir l'amélioration de l'effectivité de l'exécution des décisions de justice

- Défendre les intérêts économiques des huissiers de justice et intervenir auprès des autorités toutes les fois que leur activité est menacée dans sa substance ou que la sauvegarde de leur liberté ou de leur intégrité physique est affectée par des mesures illégales

- Poursuivre l'extension et l'influence de l'UIHJ par une implication académique toujours plus active et une œuvre de formation toujours plus considérable. Tout ceci en contemplation d'une ligue directrice, tracée depuis 1991 par le regretté président Baudouin Gielen, de laquelle il n'a jamais été dévié.

M. Mondher Znaïdi devait adresser ses plus vifs remerciements à.

l'UIHJ, à la présidente du congrès, au président Skander et aux huissiers de justice tunisiens pour la qualité de ce 18<sup>e</sup> congrès. Il mettait l'accent sur le contenu, en terme d'amitié, qu'apportait un congrès d'une telle ampleur et rappelait combien son pays

était attaché à cette forme de message.

Il complimentait encore le nouveau bureau de l'UIHJ et associait dans les éloges les différents intervenants, conférenciers et animateurs.

Il dressait un bref tableau de l'économie tunisienne en insistant sur l'apport touristique qui représentait près de 20 % des recettes en devises et assurait l'emploi de 300 000 personnes.

Vantant les atouts de la Tunisie, il invitait chacun des participants à prolonger leur séjour voire à revenir en Tunisie pour y connaître les joies des vacances.

Clôturant par un rappel à l'histoire, le ministre déclarait : " La Tunisie est à la fois la terre de Carthage mais aussi celle de Kairouan, de Zama. A 120 km de Tunis c'est encore le lieu de la fameuse bataille entre Scipion l'Africain et Hannibal. C'est là que Rome a défait Carthage... Depuis nous sommes devenus amis ".

La séance était clôturée de façon très solennelle, puisque chacun des nouveaux membres de l'UIHJ était appelé à venir déposer cérémonieusement le drapeau de son pays de part et d'autre de la tribune, scellant en cela de manière officielle son adhésion à l'Union, adhésion que Le congrès avait ratifiée quelques instants auparavant.

### Nouveaux membres de l'UIHJ

Aux termes de l'assemblée générale six nouveaux pays ont été officiellement admis à l'UIHJ :

- Argentine

- Bulgarie
- Espagne
- Estonie
- Portugal
- République Tchèque

### Washington : Congrès 2006

L'assemblée générale a adopté à l'unanimité la candidature présentée par la NAPPS d'organiser le prochain congrès en Mai/Juin 2006 à Washington.

### Vœux

Le congrès sur proposition du bureau a voté les TROIS VOEUX suivants :

Considérant aujourd'hui que la mondialisation a atteint des domaines aussi variés que les échanges économiques, les réseaux bancaires, les flux de personnes, les nouvelles technologies.

Considérant que la mondialisation est un atout pour chacun des acteurs économiques, car elle multiplie les occasions d'échanges et de contacts, et développe une solidarité universelle.

Considérant que l'exercice du droit ne peut plus dans un tel contexte limiter son aire de compétence au seul territoire national d'un Etat ou à des espaces régionaux ou sous régionaux.

En conséquence,

Le congrès réuni à Tunis les 7, 8 et 9 mai 2003 a adopté les vœux suivants.

1.- *Que le droit doit avoir un rayonnement mondial et que les Etats doivent offrir aux citoyens un espace judiciaire libre et sécurisé.*

2.- *Que les actes judiciaires et extrajudiciaires concourant à la mise en œuvre des droits du citoyen doivent circuler rapidement et de façon sécurisée dans l'espace judiciaire mondial.*

3.- *Que les professionnels en charge de l'information des parties, du juge et de l'exécution des décisions de justice bénéficient :*

- d'une haute compétence
- d'une indépendance garantie et protégée
- de moyens suffisants pour accomplir leurs missions





# The closing ceremony

*The closing ceremony, presided by Mr. Mondher Znaidi, minister of Tourism, was opened by a speech given by the president of the UIHJ, Mr. Isnard, who stated the four main objectives which the new board had planned for the next three years.*

Those objectives are:

- To pursue the implementation of a profession of bailiff with a universal face based on the model inspired by the status of the French bailiff by giving greater importance to the triptyque: service of process - enforcement - recovery.
- To maximise the judicial systems favourable to the direct transmission of legal instruments between bailiffs and promote the improvement of the effectiveness of the enforcement of legal decisions.
- To defend the economic interests of bailiffs and to intervene with regard to the authorities each time that their activities are threatened in its substance or when the protection of their freedom or their physical integrity is affected by illegal measures.
- To pursue the expansion and the influence of the UIHJ by a more active academic involvement and a greater training programme.

All this, whilst contemplating a guide line, planned since 1991 by the late President Baudouin Gielen, from which it has never deviated.

Mr. Mondher Znaidi warmly thanked the UIHJ, the President of the congress, President Skander and the Tunisian bailiffs for the quality of this 18th congress. He emphasised the contents, with regard to friendship, which a congress of such a size provided and restated how much his country was attached to this type of message.

He once again complimented the new UIHJ board and included in his praise the different participants, speakers and organizers.

He briefly described Tunisian economy by insisting on the contribution of tourism which represented nearly 20% of the currency revenue and employed 300,000 people.

He spoke highly of Tunisia's assets, and he invited each of the participants to extend their stay or to return to Tunisia in order to enjoy holidays there.

Closing his speech on a point of history, the minister declared: "Tunisia is at the same time the land of Carthage and that of Kairouan, and of Zama. 120 km away from Tunis is the location of the famous battle between Scipion the African and Hannibal. It was there that Rome defeated Carthage... Since then, we have become friends".

The session was closed in a very formal way because each of the new members of the UIHJ was invited to place the flag of his country ceremoniously on either side of the tribune, officially sealing its membership to the Union, which had been ratified by the congress a few moments before.

#### **New Members of the UIHJ**

Under the terms of the general meeting, six new countries have been officially admitted to the UIHJ:

- Argentina
- Bulgaria
- Spain
- Estonia
- Portugal
- Czech Republic

#### **Washington: 2006 Congress**

The general meeting unanimously adopted the candidature presented by the NAPPS to organize the next

congress in May/June 2006 in Washington.

#### **Wishes**

on the proposal of the board, the congress has voted the following **THREE WISHES:**

*Given that today internationalisation has reached such domains as economic exchange, banking networks, flows of people, new technology; Given that internationalisation is an asset for each economic player because it increases the opportunity for exchange and contact, and develops universal solidarity; Given that the exercise of the law cannot, in such a context, limit its area of competence to the sole national territory of a State or to regional areas or sub-regional areas;*

Therefore,

The congress gathered in Tunisia on 7, 8 and 9 May 2003 has adopted the following wishes:

1. - *That the law shall have a worldwide influence and that the States must offer to their citizens a free and safe legal area.*
2. - *That judicial and extrajudicial acts contributing to the implementation of citizens' rights must circulate rapidly and safely in the worldwide judicial area.*
3. - *That the professionals in charge of informing the parties, the judge and the execution of legal decisions benefit from:*
  - *a high degree of competence;*
  - *guaranteed and protected independence; and*
  - *sufficient means in which to accomplish their missions.*

**Conseil Permanent Election  
du nouveau bureau (9 mai 2003)  
Jacques Isnard a été réélu à la  
présidence (2003 - 2006)**

**Permanent Council - Election  
of a new board (9 May 2003)  
Jacques Isnard was Re-elected  
as President (2003 - 2006)**

Conformément à l'article 15 des statuts, le Conseil permanent a été appelé à élire le nouveau bureau pour l'exercice 2003-2006. Les membres composant le précédent bureau étaient sortants et rééligibles. Seules ont été admises à voter les délégations ayant régularisé leur situation au regard des impératifs financiers.



*The new board of UIHJ for 2003/2006*

In accordance with Article 15 of the statutes, the permanent council was called to elect the new board for 2003-2006. The members of the previous board were outgoing and re-eligible. Only the delegations which had regularized their situation with regard to financial requirements were allowed to vote.

Selon les dispositions statutaires, tout huissier de justice peut se porter candidat. Le nombre de voix attribué à chaque délégation est pondéré en fonction du nombre d'huissiers de justice que compte chaque pays. Le chef de délégation dispose seul du droit de vote et détient la totalité des voix de l'organisation qu'il représente. Le scrutin a lieu à la majorité absolue des membres présents aux deux premiers tours. Au troisième tour seule la majorité relative est exigée. Le bureau d'âge constitué de :  
Président Me Robert Bonou - doyen d'âge - (Bénin)  
Assesseurs Me Marc Schmitz - (Belgique)  
Me Elin Palts - (Estonie)  
a procédé aux opérations de vote du bureau et des deux commissaires aux comptes.

According to the statutory provisions, all bailiffs may apply. The number of votes attributed to each delegation is balanced according to the number of bailiffs in each country. Only delegation head has the right to vote and holds all votes of the organization which he represents. The vote is held with an absolute majority of the members present at the first two ballots. At the third ballot, only the relative majority is required.

The members of the senior bureau:  
President: Mr. Robert Bonou - Oldest representative - (Benin)  
Assessors: Mr. Marc Schmitz - (Belgium)  
Mr. Elin Palts - (Estonia)  
organized the vote for the bureau and the two auditors.

**Composition of the new board (2003-2006)**

President: Jacques Isnard (France)  
1st Vice President: Leo Netten (Netherlands)  
Vice President: Yacine Sene (Senegal)  
Vice-President: Roger Dujardin (Belgium)  
Secretary: Bernard Menut (France)  
Treasurer: Jean Christin (Switzerland)  
Assistant Secretary: André Mathieu (Canada)  
Assistant Treasurer: Dariusz Potkanski (Poland)  
Members: Johan Fourie (South Africa)  
Jean-Paul Spinelli (France)  
Additional member: Roger Demeerleer (Belgium)  
Auditors - Mr. Emmanuel Minoungou (Burkina-Faso)  
- Mr. Arpad Dienes (Hungary)

**Composition du nouveau bureau (2003 - 2006)**

Président Jacques Isnard (France)  
1er vice-président Leo Netten (Pays-Bas)  
vice-président Yacine Sene (Sénégal)  
Vice-président Roger Dujardin (Belgique)  
secrétaire Bernard Menut (France)  
Trésorier Jean Christin (Suisse)  
Secrétaire-adjoint André Mathieu (Canada)  
trésorier-adjoint Dariusz Potkanski (Pologne)  
membres : Johan Fourie (Afrique du Sud)  
Jean-Paul Spinelli (France)  
Membre supplémentaire Roger De Meerleer (Belgique)  
Commissaires Me Emmanuel Minoungou (Burkina-Faso)  
aux comptes Me Arpad Dienes (Hongrie)

