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Report



Hcch

HAGUE CONFERENCE ON
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CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

Contents

Contents	2
Foreword	3
Background Information	4
The Hague Conference and the Permanent Bureau.....	4
The Peter Nygh Hague Conference Internship	6
My internship at the Permanent Bureau.....	7
Special Commission meetings.....	8
Other tasks.....	10
Reflection and outcome of the Internship.....	11
Life in The Hague	14
Estimation of living expenses.....	16
Useful websites	18

Foreword

From September 2012 until February 2013, I was fortunate to be one of the 2012 Peter Nygh Hague Conference Interns at the Hague Conference on Private International Law in The Netherlands. This report recounts my experiences during my time at the Permanent Bureau. I would like to sincerely thank the Nygh Family, the Attorney-General's Department, the Australian Institute of International Affairs (AIIA) and the Australian Branch of the International Law Association for providing me with the opportunity to undertake the internship. I would also like to thank all the staff at the Permanent Bureau, in particular the team with which I worked most closely, Secretary General Mr Christophe Bernasconi, Ms Mayela Celis and Mr Alex Kunzelmann, for being so welcoming and accommodating, and for making my experience so enjoyable. I would also like to thank Ms Marta Pertegás and Ms Maryze Berkhout who coordinate the internship program at the Permanent Bureau.



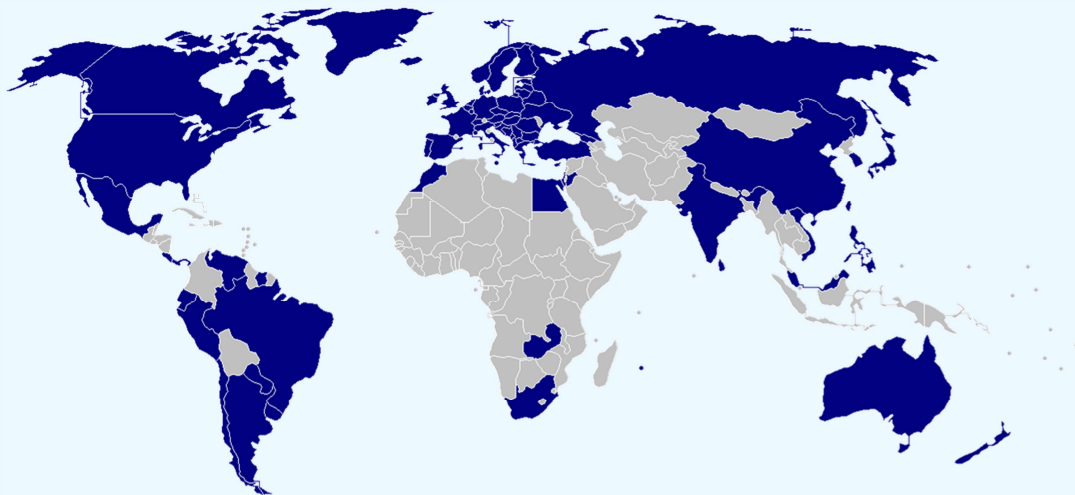
Award ceremony for the 2012 Peter Nygh Hague Conference Interns.

Background Information

The Hague Conference and the Permanent Bureau

The Hague Conference on Private International Law (the **Hague Conference**) is an intergovernmental organisation and the oldest international organisation in The Hague. The Hague Conference is responsible for the “progressive unification of the rules of private international law”. Initially an ad hoc conference which first met in the Hague in 1893, following a number of ad hoc meetings the Hague Conference adopted a Statute in 1951 and became a permanent inter-governmental organisation.

On the eve of its 120th birthday, the Hague Conference has 72 Members (71 Members and the European Union) that represent all the regions of the world, and all major legal systems. The Hague Conference now has two regional offices: the first regional office was the Latin America Regional Office located in Buenos Aires and established in 2010, and the second regional office is the Asia Pacific Regional Office located in Hong Kong and officially open from December 2012. These regional offices help to increase the awareness of the value of membership of the Hague Conference, a greater understanding of the work of the Hague Conference, and further encourage States within these regions to join Hague Conventions.



The two main functions of the Hague Conference are to develop private international law instruments, known as the Hague Conventions, and to provide post-Convention services by promoting the Hague Conventions, providing implementation support for States and monitoring and reviewing the Conventions.

These two functions are carried out by the Permanent Bureau of the Hague Conference (the **Permanent Bureau**), the Secretariat of the Hague Conventions, under the guidance of the Secretary General. The specific functions of the Permanent Bureau include:

- preparing and organising Diplomatic Sessions, meetings of the Council and Special Commissions, as well as expert meetings;
- performing secretariat work for these sessions and meetings;
- liaising with the National Organs, experts, delegates of the Member States and Central Authorities designated by Contracting States to the various Hague Conventions, as well as other stakeholders and observer organisations; and
- providing ongoing assessment of new topics in private international law.

There are currently 38 Hague instruments in the three areas of child protection, family and property relations, legal co-operation and litigation and commercial and finance law. An up-to-date list of the instruments is available here: http://www.hcch.net/index_en.php?act=conventions.listing.



The iconic building that houses the Permanent Bureau of the Hague Conference on Private International Law.

The 2012 Peter Nygh Interns at the Permanent Bureau before a meeting of experts on the Financial Aspects of Intercountry Adoption.



The Peter Nygh Hague Conference Internship

The Peter Nygh Hague Conference Internship was established in memory of the late Hon. Dr Peter Nygh AM, a former judge of the Family Court of Australia and a leading international lawyer who was a member of Australia's first delegation to the Hague Conference. The award provides a graduate or post-graduate student with the opportunity to undertake an internship at the Hague Conference by providing funds to assist with the cost of travelling to the Netherlands and contributing towards living expenses.

Further background information about the award and selection criteria can be found here < <http://www.internationalaffairs.org.au/youth-community/nygh-internship/>>.

My internship at the Permanent Bureau

Over the years of the Peter Nygh Internship program, it has become customary that the Peter Nygh Intern is assigned as a member of the specific team preparing for any upcoming Special Commissions¹. In 2012, the Hague Conference hosted two Special Commissions in November: the Special Commission on the practical operation of the Hague Convention on Abolishing the Requirement of Legalisation for Foreign Public Documents (the ***Apostille Convention***), and the Special Commission on Choice of Law in International Contracts. For this reason, there were two Peter Nygh interns, Drossos Stamboulakis and I, who were selected in 2012 to assist in preparation for these two important meetings. We were both placed in the international legal co-operation and litigation team. I worked primarily with the team focused on the conventions falling under the international legal and administrative co-operation sub-field which includes the Apostille Convention, Service Convention and Evidence Convention.



My team members Mr Alex Kunzelmann (Legal Officer) and Ms Mayela Celis (Senior Legal Officer) on my last day at the Permanent Bureau.



Mayela and I at the Peace Palace on the first day of the Special Commission meeting on the Apostille Convention.

¹ A Special Commission is a meeting of the State Parties to a Convention to review the implementation and operation of a Convention, or in some cases to finalise the drafting of a new convention or principles.

Special Commission meetings

The first few months of the internship were spent preparing for the Special Commission on the Apostille Convention and my tasks included:

- drafting communications to various States Parties to confirm attendance at the Special Commission;
- conducting research on specific topics to assist staff in preparing Preliminary Documents for use during the Special Commission;
- reviewing and editing the *Handbook on the Practical Operation of the Apostille Convention* in preparation for its presentation to the attendees at the Special Commission;
- analysing and summarising State responses to a questionnaire that was sent to all State Parties to the Apostille Convention to assist preparations for the Special Commission;
- preparing presentations on the Apostille Convention for the Secretary General Mr Christophe Bernasconi, for use by him on trips to States considering joining the Apostille Convention or attending the Special Commission; and
- preparing PowerPoint presentations and diagrams for use during the Special Commission meeting, and assisting with setting up the meeting and welcoming and assisting delegates through the week.

During the Special Commission, Drossos and I (along with two former French interns) acted as Recording Secretaries during the five days of meetings. Each day was split into two sessions and Drossos and I would alternate between acting as the English Recording Secretary during the morning and afternoon sessions. The Special Commission on the Apostille Convention allowed delegates to speak in English, French or Spanish, so we were required to often listen to simultaneous translations when taking notes. During each session we would take detailed notes of the discussions and then immediately following the conclusion of the session we would work with the French Recording Secretaries to prepare minutes in English and French. These minutes were then circulated to all delegates. This role required a good understanding of the Convention (or draft principles in the case of the Special Commission on Choice of Law in International Contracts), and the points of discussion, in order to be able to follow and simultaneously summarise the discussions taking place. I found this one of the most rewarding parts of my internship and reflect on this experience below.



Recording Secretaries hard at work during a session.

In addition to the Special Commissions, Drossos and I were also fortunate to be a part of the meeting of experts on the Financial Aspects of Intercountry Adoption. We acted as Recording Secretaries during roundtable discussions between experts from State Parties and other IGO's. We assisted with preparing notes on the discussions that took place during the meetings. I had not had much exposure to family law or any involvement with the international protection of children, family and property relations team at the Permanent Bureau however, I found this opportunity a very rewarding experience. The experts spoke about different State Parties' experiences with regulating intercountry adoption and highlighted the lack of consistency in the approach to determining the reasonable costs of adoption for prospective parents. This lack of consistency in approach between States Parties can lead to the procurement of children including abduction, sale of and trafficking of children for intercountry adoption. To any interns considering applying to the Permanent Bureau I would recommend trying to work with the Intercountry Adoption team as they are doing very interesting work in the area of adoption and child protection.



Participants at the 2012 Special Commission on the Apostille Convention.

Other tasks

Aside from the specific tasks associated with preparing for the Special Commission meetings, I also assisted the international legal and administrative co-operation team with the following tasks:

- responding to requests received by the Permanent Bureau from central State authorities and individuals seeking information or advice in relation to the Apostille, Evidence or Service Conventions;
- researching and assisting with drafting an article on the use of modern technologies under the Hague Legal Co-operation Conventions (including the Apostille, Evidence and Service Conventions) which was published as part of Professor Alegría Borrás' liber amicorum²;
- researching and assisting with drafting an article on the Electronic Apostille Program (the **e-APP**) which was published as part of the liber amicorum for the retiring Secretary General of the Hague Conference, Mr Hans van Loon³;
- researching the impact of modern technologies on the operation of the Service Convention and conducting a comparative study on the use of modern technology in service in civil and common law jurisdictions, in preparation for the Special Commission on the Service Convention (2014) and to update the Practical Handbook on the Operation of the Service Convention; and
- conducting research on the taking of evidence by video link in different jurisdictions, courts and tribunals.

² See, Bernasconi (et.al), 2013, 'The Electronic Apostille Program (e-APP): Bringing the Apostille Convention into the Electronic Era', in the Pons (ed.), *Entre Bruselas y La Haya. Estudios sobre la unificación internacional y regional del Derecho internacional privado: Liber Amicorum Alegría Borrás*, 2013, Madrid, Spain, pp. 199-211.

³ See, Bernasconi (et.al), 2013, 'Of Luddites and Luminaries: The use of modern technologies under the Hague Legal Co-Operation Conventions', in *The Permanent Bureau of the Hague Conference On Private International Law (ed.), A Commitment to Private International Law: Essays in Honour of Hans van Loon*, 2013, Cambridge, United Kingdom, pp. 31 – 45.

Reflection and outcome of the Internship

I applied for the Peter Nygh Internship in my last semester of university as I had studied international law and been involved in private international law moot competitions that had sparked my interest in this area of law. I hoped to gain a greater understanding of private international law and the process of drafting and implementing new laws involving multiple State Parties and stakeholders. On reflection, the internship was an invaluable experience as I gained an insight into the work of one of the oldest international organisations and developed an extended network of colleagues and friends who I have, and will continue to keep in contact with over the coming years.

Attending international meetings and negotiations

One of the outstanding highlights of the internship for me personally, was being a Recording Secretary at the Special Commission meeting on the Choice of Law in International Contracts. I found the opportunity to watch as delegates from State Parties, experts and members of IGO's and interest groups interpreted and negotiated key principles in a room of over a 100 delegates as extremely rewarding experience. As a recent graduate, we spend years studying laws, researching comparative law and critiquing laws but we never have the opportunity to see first hand how laws are negotiated, specifically multilateral laws that will have effect in more than one State.

The opportunity to attend the Special Commission meetings and expert meeting on the Financial Aspects of Intercountry Adoption provided insight into multi-party negotiation and diplomacy and the fine balance between a State's national interest and domestic laws, and the common interest of all States in developing uniform, multilateral laws which respond to a global need for uniformity and consistency in approach.



Participants at the expert meeting on the Financial Aspects of Intercountry Adoption.

The two Special Commission meetings also provided a great contrast in experience and highlighted the role of the Permanent Bureau in not only developing multilateral laws, but also in providing ongoing support in the implementation of these laws. The Apostille Special Commission meeting focused on how the Convention was operating and involved Member States sharing their experiences in implementing the Convention and e-APP and sharing best practices. By contrast, the Special Commission on Choice of Law in International Contracts involved detailed and often technical discussions on the drafting of the Draft Hague Principles on Choice of Law in International Contracts, as well as the intended purpose and use of these principles.

Increased knowledge and understanding of private international law

Admittedly, I had limited knowledge of the Apostille, Service and Evidence Conventions before I commenced my internship. However, with the help of supportive colleagues and the variety of materials available I was able to read about these conventions and positively contribute to the work of the team on various projects. The opportunity to research and draft two papers, as well as prepare presentations on the conventions allowed me to build a greater understanding of the legal co-operation conventions and an appreciation for the ongoing work of the Permanent Bureau in assisting new States with the implementation of these conventions and supporting existing States in performing their functions under the conventions.

The internship really highlighted the varied roles of the Permanent Bureau but highlighted the central and key responsibility an organisation like the Permanent Bureau has for bringing to the attention of States, key areas that require a collaborative approach and unified laws. The Permanent Bureau also facilitates multilateral discussion and the development of common solutions between States with different legal systems and cultures. The importance of an organization like the Hague Conference on Private international Law should not be underestimated or downplayed, and if anything, it should be recognized as being increasingly important in our globalised and interconnected world, where our different legal systems are challenged by the constant movement of people and cross-border transactions. The Hague Conference and the field of private international law are only going to become more important in the future.

Building international networks and contacts

The other staff and interns at the Permanent Bureau came from a diverse range of countries including the United States of America, Germany, France, Belgium, Spain, Switzerland, Canada, the United Kingdom, Sri Lanka, Japan, Korea and Brazil. The internship was an incredible opportunity to meet talented and driven individuals who all

had an interest in private international law and experience in different legal systems. It was a great experience to be part of a truly international workplace, and I will continue to keep in touch with friends and colleagues at the Permanent Bureau.



Overall, the internship was a rewarding professional experience and an incredible satisfying personal experience. I would recommend the internship to any graduate or post graduate student who has a keen interest in private international law and a desire to gain insight into the work of an intergovernmental organisation responsible for treaty negotiation and implementation.



Colleagues at the end of summer boat trip at Scheveningen beach.

Life in The Hague

Health Insurance

As an Australian living in the Netherlands, you are required to take out health insurance to cover you for the period of the internship. The Australian Government has a Reciprocal Health Care Agreement with the Netherlands, which means that Australian residents are entitled to free access to the public healthcare system in the Netherlands for up to 12 months, subject to certain conditions. Further information on entitlements under the agreement, what is covered, and on the process for proving you are eligible for healthcare is available on the Medicare Australia website at <http://www.humanservices.gov.au/customer/services/medicare/reciprocal-health-care-agreements>.

Alternatively, you may choose to take out private health insurance for the period of your internship in the Netherlands, which covers Europe. Some Australian Private Health Insurance providers have policies, which cover you while overseas. Otherwise there are also international health insurance providers such as *Van Breda* or *Bupa International* that offer insurance.

Finally, some forms of travel insurance also include medical and hospital insurance, however be careful to check the policy to ensure it covers you if you living and working in one country.



National parliament building in The Hague.

Immigration

Interns are responsible for organising immigration and residency matters, however there is no requirement for organising a visa or residence permit before you depart Australia. Australian nationals visiting the Netherlands can enter and stay in the Netherlands for up to 90 days.

For a visit of more than 90 days, a residence permit is required. However, as the Hague Conference is an international organisation and has an arrangement with the Dutch Government, employees and interns at the Permanent Bureau are exempted from this requirement. If you are completing an internship for more than 90 days, upon your arrival at the Permanent Bureau the Human Resources Assistant will provide you with registration forms to complete for registration at the Ministry of Foreign Affairs ('MFA').

Once you are registered with the Ministry of Foreign Affairs, you will be issued with an MFA identity card, which can be used as a valid ID card in the Netherlands. At the end of the internship, the identity card is returned to the Human Resources Assistant who registers your departure from the Netherlands with the MFA. For more information on the MFA's protocol for international organisations see, <<http://pal.nlmission.org/you-and-netherlands/staff-of-foreign-missions-and-international-organisations/staff-of-foreign-missions-and-international-organisations/minbuza%3Ashare/staff-of-international-organisations>>.

For further information on VISA requirements for partners or spouses see the report of Alexander Kunzelmann (2009 Peter Nygh Intern) available at <http://ila.org.au/previous_nygh_internship_reports.htm>.

Language

The two official languages of the Hague Conference are French and English, and official correspondence and external communications to States are drafted in both languages. As such, it is advisable to at least have a passive understanding of French. However, all office-wide communication and internal meetings are conducted in English.

The official language of the Netherlands is Dutch, however as The Hague is an international city with many expats most people in The Hague speak English.

If you are interested in learning either French or Dutch during your time in the Netherlands there are a number of language schools:

- Alliance Francaise La Haye (www.aflahaye.nl/)
- Taal Taal (<http://www.taaltaal.nl/>)
- Volksuniversiteit Den Haag (Volks Universiteit, The Hague) (http://www5.volksuniversiteit.nl/denhaag/detail_page.phtml?&publi sh=&text10=dutch_courses)

Estimation of living expenses

Rent	<ul style="list-style-type: none"> • €350-550 per month for a shared furnished apartment, including utilities • €800-1000 per month for a furnished studio apartment including utilities
Transport	<ul style="list-style-type: none"> • Trams and Busses - The cost of tickets varies depending on the number of stops- a paper ticket is €3 if bought on the bus or tram. Alternatively, you can purchase a public transport chip card ('OV-chipkaart') from any of the train stations for €7.50 and add money to the card which can be used on all public transport and fares are considerably cheaper than purchasing paper tickets. • If you plan on travelling around the Netherlands by train, it is advisable to purchase a <i>voordeelurenabonnement</i> (an off peak discount pass), which entitles you, and three travelling companions to a 40% discount on train fares within the Netherlands for travel on Monday – Friday from 9am, all day on the weekends, and everyday during July and August (summer holidays). The subscription fee is €60 per year and the pass can be bought from any main train station in the Netherlands, including Den Haag Centraal (The Hague Central Station). This pass also doubles as an 'OV-chipkaart'. For more information see http://www.ns.nl/reizigers/producten/producten/voordeelurenabonnement. • The Permanent Bureau has a few bicycles that are available for use by interns during their internship, free of charge. There are well-marked bicycle paths, and The Hague is a 'bicycle friendly' city, as is most of the Netherlands. • Alternatively, second hand bicycles can be purchased for approximately €50-100 from a number of bicycle stores around the city. Second hand bicycles for sale are also advertised in the weekly intern newsletter, which is produced by the Hague Intern Association.
Food	<p>The price of groceries is generally cheaper than Australian prices. The largest supermarket is Albert Heijn and it has stores conveniently located in most neighborhoods.</p> <p><i>Supermarkets</i></p> <ul style="list-style-type: none"> • Albert Heijn (main chain of supermarkets) • Jumbo • Coop • Aldi <p><i>Healthfood stores and organic supermarkets</i></p> <ul style="list-style-type: none"> • Ekoplaza • Marqt • De Tuinen <p><i>Food markets</i></p> <ul style="list-style-type: none"> • Farmer's market on the Hofweg (City Centre) • Organic market (21 stalls) • Open Wednesday from 10.00 till 18.00 • Haagse Markt - Herman Costerstraat (Schilderswijk)

	<ul style="list-style-type: none"> • General goods and food (550 stalls) • Open Monday, Wednesday, Friday and Saturday from 9.00 till 17.00 <p>For a list of markets in the Hague see: <http://www.denhaag.nl/en/visitors/leisure-activities/to/Outdoor-markets-1.htm></p>
Mobile Phone	<ul style="list-style-type: none"> • Approx. €20 per month, depending on usage • Vodafone have prepaid monthly recharges which include internet packs ('Internet BloX') for smartphones and Blackberrys for approx. 12-15€ per month. For more information see <http://www.vodafone.nl/english/subscription/blox/>. • Vodafone also offer prepaid recharge services in English. • Other service providers include: <ul style="list-style-type: none"> ○ KPN - www.kpn.nl ○ Vodafone - www.vodafone.nl ○ Telfort - www.telfort.nl ○ T-mobile - www.t-mobile.nl

Opening up a bank account

Credit cards are not widely accepted in the Netherlands due to high fees which are charged by banks, and foreign debit cards are only accepted if they are chip enabled debit cards and contain an embedded microchip.

It is advisable to open up a Dutch bank account. ABN AMRO offer a 'Young Professional' account which has low monthly account fees and online banking in English. The other main Dutch banks are: ING Bank (www.ingbank.nl); Rabobank (www.rabobank.nl); and SNS (www.snsbank.nl). To open an account you will normally need to show your passport, or identity card issued by the MFA and proof of address (such as a rental agreement).

Accommodation

Given the number of international organisations in The Hague, and universities in The Hague and nearby Leiden, there is a wide range of accommodation available. Most interns choose to rent a room in a shared apartment, and depending on the size of the apartment, and the number of people sharing, rent ranges from €300-500 per month (normally inclusive of gas, water, electricity and internet).

For more information on finding non-share or studio apartments, or using real estate agents ("makelaars") to find apartments, see Alexander Kunzelmann's report, or Kim Pham's report (available at <<http://ila.org.au/pdfs/Nygh-internship-report%202011-Final.pdf>>). Both previous Peter Nygh interns recommend using the website <www.pararius.com>.

Most of the staff, and interns at the Permanent Bureau live in surrounding areas close to the Permanent Bureau, which is around the corner from the Peace Palace ("Vredespalais").

These areas include: Zeeheldenkwartier, Regentessekwartier, Statenkwartier, Valkenboskwartier, Archipelbuurt, Duinoord, or close to the beach in Scheveningen. If you are organizing accommodation before you arrive in the Netherlands, the easiest way to use Google maps, or an interactive map provided by the Municipality of the Hague (Gemeente Den Haag), to work out the location of potential apartments.

Useful websites

- The official website of the Hague: www.denhaag.nl (also available in English)
- For planning any travel in the Netherlands from door-to-door: www.9292.nl (also available in English)
- For train timetables and information on ticket prices: www.ns.nl (also available in English)
- For tram timetables and routes in the Hague: www.htm.net

For events and groups in The Hague see the following Facebook groups:

- Expats in the Hague
- Hague Interns Association (HIA)
- InterNations