

# The Peter Nygh Hague Conference Internship

## 2015 Report

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## Foreword.

The Hague is the global home of peace and justice. For the last seven months, as 2015 Peter Nygh Intern to the Hague Conference on Private International Law, I too have been lucky to call The Hague my home.

During this time, I am exceptionally proud to have contributed, in a small, but hopefully meaningful way, to the overarching purpose of the Hague Conference on Private International Law, in its formidable task of working towards the progressive unification of the rules of private international law,<sup>1</sup> to afford greater certainty to persons implicated in cross-border civil and commercial legal matters.

Just as importantly, as the 10<sup>th</sup> Peter Nygh Intern undertaking the Internship in its 9<sup>th</sup> year of operation, I am not only part of the legacy of the Hague Conference on Private International law, but I am now part of the fantastic, self-standing legacy of this Internship, which has honoured, and will continue to honour the memory of Dr Peter Nygh AM, for years to come. It is, in my view, proper that this Internship exist in perpetuity as a permanent, official programme of the Hague Conference on Private International Law, as a testament to Dr Nygh's work in the world's capital of peace and justice, in training a new generation of young international lawyers.

To have been awarded this Internship is an exceptional honour, and not one that I can claim solely for myself. It is one which I share with many of those who have inspired and challenged me.

To my high school and university languages teachers, Ms. Sarah Payne, Mrs. Franziska Morrison, Mr. Robert Doxey, Dr. Gabriele Schmidt, and Mrs. Huda Al-Tamimi: thank you for equipping me with the gift of words.

To my legal mentors, Mr. Harry Kay, Mr. Steven Gavagna, Prof. James Davis, and Associate Prof. Pauline Ridge, thank you for arming me with legal knowledge, both practical and academic, and for sharpening my critical legal thinking.

To the members of the Permanent Bureau, particularly Dr. Christophe Bernasconi, Dr. Marta Pertegás, Ms. Laura Martínez-Mora, and Ms. Mayela Celis, and the ever-effervescent Mr. Thomas John ACI Arb, thank you for providing me with such stimulating work, incredible opportunities, and exposure to your advice and mentorship. Thank you also to Ms. Laura Molenaar for her comments on a draft of this report.

To my housemates at *Huize Concordia*, Pepijn Plaisier, Yvo Bruin, and Tia Swierts, *jullie zijn de beste huisgenootjes die ik mezelf ooit in Nederland had kunnen wensen, dank jullie wel, het is heel gezellig geweest!*

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<sup>1</sup> This mission is enshrined in *the Statute of The Hague Conference on Private International Law*, adopted 31 October 1951 and entered into force on 15 July 1955, Art. 1.

To previous Nygh Interns, some of whom I've had the pleasure of meeting, our histories are tightly bound through this shared experience, and to future Nygh Interns, I say the same. Particular mention must go to previous Nygh Intern, current Legal Officer, official supervisor and unofficial partner in mixed metaphors, Mr. Brody Warren, thank you for your advice, your support, and your friendship, it's been absolutely invaluable.

Thanks to the interns present at the Permanent Bureau during my own internship, as we have all come and gone, your solidarity and friendship has been fantastic.

Of course, to my family and friends, you have been amazing, and I could not have been so lucky as to undertake this without your love and support.

The largest thanks must go to Ms. Nicola Nygh and the Nygh family, for creating and facilitating this incredible opportunity. I also wholeheartedly thank the Commonwealth Attorney-General's Department for its financial support of the Internship, as well as the International Law Association (Australian Branch) and the Australian Institute for International Affairs; thank you for co-sponsoring this award. I also sincerely thank the selection panel, including Ms. Nicola Nygh, Ms. Margaret Brewster, Dr. Marta Pertegás, Ms. Maryze Berkhout and Prof. Richard Garnett; thank you all for your faith in me.

My time in The Hague has been, at the risk of sounding trite, a dream come true, and I would encourage any interested young lawyer to apply to this prestigious programme, for the opportunity to perpetuate the memory of Dr Nygh, and celebrate his wonderful life and career in the conflict of laws discipline.



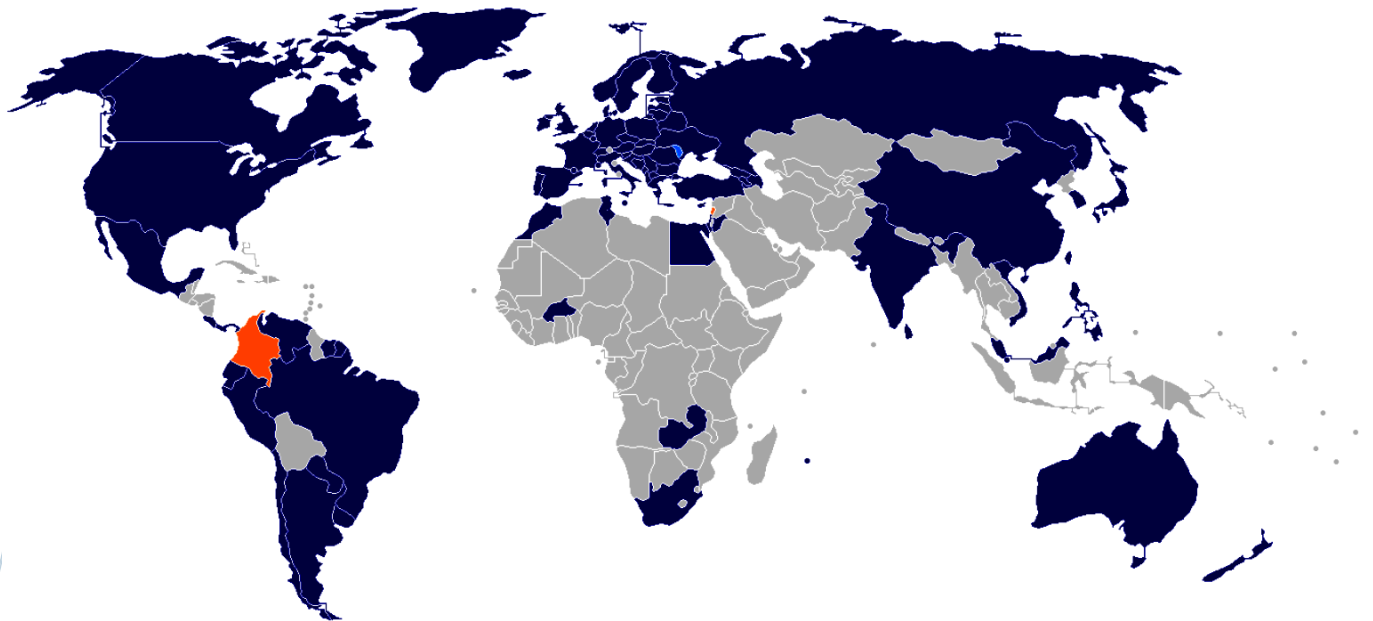
**DEREK BAYLEY**

**August 2015  
THE HAGUE, THE NETHERLANDS**

## I. The Hague Conference on Private International Law

The Hague Conference on Private International Law (“**HCCH**”, “**the Hague Conference**” and “**the Organisation**”) is the world’s peak body in the private international law discipline. Since 1893, the Hague Conference has created and serviced international Conventions in civil and commercial legal matters. It is responsible for 40 worldwide treaties in the areas of child protection, family and property relations, legal co-operation and litigation, and commercial and finance law.

The Hague Conference fulfils an important bridging role between legal systems, in providing legislative mechanisms to harmonise rules related to international jurisdiction, choice of law, and enforcement of decisions and judgments amongst countries through the negotiation and promulgation of uniform global legal standards. This in turn provides legal certainty and predictability for parties engaged in cross-jurisdictional activities, enhances legal, consular and procedural co-operation between States, and generally reduces costs and delays in legal processes, which ultimately improves the rule of law.



*HCCH Membership as at August 2015*

**Member States** are highlighted in deep blue, **Admitted States** (who still need to accept the HCCH Statute) are in orange (Colombia, Lebanon), **Candidate States** are in light blue (Moldova). (Source: HCCH Website)

The presence of the HCCH is ever-growing. In 2015, the HCCH boasts 80 full Member States (Andorra being the most recent Member), and a further 67 non-Member States which have signed, ratified or acceded to its Conventions.

## ***The Permanent Bureau***

The Permanent Bureau conducts its affairs across three offices; its central office in The Hague, and two regional offices; one in Buenos Aires and another in Hong Kong. It is sometimes easy to forget that neither the Permanent Bureau, nor its Meetings and Commissions, are the “Hague Conference”. Rather, the Hague Conference refers to the network of Members as a whole. The Permanent Bureau’s function is as a Secretariat of the Hague Conference, spearheading its work programme, which is agreed upon from year-to-year. Its work programme normally involves consulting with States and stakeholders in drafting and servicing Conventions, organising Meetings and Commissions, carrying out research, training, analysis of data, publishing guides to good practice, and generally engaging in activities to support the implementation and operation of Hague Conventions.

The Permanent Bureau employs approximately 30 legal and administrative staff. It is led by the Secretary General, Dr. Christophe Bernasconi, and two First Secretaries, Mr. Philippe Lortie and Dr. Marta Pertegás, all appointed under the Statute of the Hague Conference. They are assisted by Principal Legal Officers, Senior Legal Officers, Legal Officers, administrative staff, and of course, interns. There is a steady influx of interns - usually 4 or 5 at any given time – as well as seconded experts, meaning there is a constant cycle of fresh ideas, faces, and perspectives. This very much aligns with the Organisation’s modern image. In recent years, the HCCH has undergone a process of significant rebranding, which included the launch of a new logo, a greater presence on social media, and fantastic new offices.



*The Permanent Bureau’s new premises, close to the World Forum in The Hague.*

## II. The Nygh Internship and the Late Hon Dr. Peter Nygh AM

The Peter Nygh Hague Conference Internship was established in 2006 in memory of the late Hon Dr Peter Nygh AM. Dr. Nygh was what one might call a legal “quadruple threat”; an outstanding intellectual and legal academic, at the bench as a judge of the Family Court of Australia, at the bar as Counsel in private practice, and in public practice as an international expert to the HCCH, a multilateral treaty-making body. To many lawyers, Dr Nygh is an embodiment of brilliance across many fields.



*The Late Hon Dr Peter Nygh AM*

As an academic, Dr Nygh had a major impact on the conflict of laws discipline in Australia. During his academic career, he taught at University of Tasmania, Sydney University, before attending the University of Michigan. He was a Fulbright Scholar in 1964 and, in the space of 10 years he became an Associate Professor, Professor at Sydney University, before being offered a position as inaugural Dean of Macquarie University Law School in 1974. His seminal textbook on *Conflict of Laws in Australia* is a *tour de force*; staple reading for any conflict of laws student in Australia. As of 2014, the publication is now in its 9<sup>th</sup> edition.<sup>2</sup> Despite some struggle with luggage restrictions (perhaps due to the sheer weight of the book), I managed to bring over a copy to The Hague, which made for useful bedtime reading!

At the bench, Dr Nygh also enjoyed an illustrious career. In 1979, he was appointed a Justice of the Family Court of Australia, where he served until 1993. High Court Chief Justice Robert French AC praised Dr Nygh as a judicial officer with “broad perspectives, and legal skill set necessary to deal with its complex and multidimensional jurisdiction,”<sup>3</sup> and called him “a great Australian lawyer and judge”.<sup>4</sup> Dr Nygh also enjoyed success as Counsel in private practice, appearing in the landmark conflict of laws case of *Henry v Henry*,<sup>5</sup> and having been briefed to appear in *Dow Jones & Company v Gutnick*,<sup>6</sup> but prevented from appearing due to illness.

Perhaps most importantly for the purposes of this Internship, Dr Nygh represented Australia at the Hague Conference on Private International Law, assisting to draft the *1978 Hague Marriage Convention*, as well as

<sup>2</sup> Martin Davies, Andrew Bell and Paul Le Gay Brereton, *Nygh's Conflict of Laws in Australia*, (9<sup>th</sup> ed, 2014, LexisNexis Butterworths).

<sup>3</sup> Chief Justice Robert French, ‘Two Chapters about Judicial Power’ (speech delivered as Peter Nygh Memorial Lecture 2012 at the 15th National Family Law Conference, Hobart, 15 October 2012), 2.

<sup>4</sup> *Ibid.*

<sup>5</sup> (1996) 185 CLR 571.

<sup>6</sup> (2002) 210 CLR 575.

the *1978 Matrimonial Property Convention*. He also served as a co-rapporteur on the first phase of the Judgments Project from 1997 onwards, and conducted negotiations on Australia's behalf leading to the 1996 Child Protection Convention.

Although some sources place the beginning of Dr Nygh's long association with The Hague Conference as starting in 1975, as a member of Australia's first delegation, I think it could be traced even earlier. Indeed, Dr Nygh was born perhaps born for that engagement. Originating from Hamburg, Germany and raised and educated in Rotterdam in the Netherlands, Dr Nygh spoke Dutch, and his name "Nygh", is actually the preferred anglicised spelling of the Dutch surname, "Nijgh" (which contains the troublesome long *ij* digraph for non-Dutch speakers). Even this is a testament to his cultural fluidity. He was a rare scholar, with profound knowledge of both common and civil law legal systems and "a deep understanding of their differences and similarities."<sup>7</sup> After spending a long career in Australia, Dr Nygh's return to the Netherlands in the later part of his career was perhaps a natural fit.

The Hague Conference Internship is but one way, albeit an important one, in which Dr Nygh's contribution to Australia's legal system is remembered. Dr Nygh was awarded the Centenary Medal and the Order of Australia, in 2004, a book of essays on Intercontinental Cooperation through Private International Law was published in his honour, and, Dr Nygh's incredible contribution to family law is recognised annually by the Law Council of Australia's Peter Nygh Memorial Lecture.

Dr Nygh's overall legacy is much greater than the sum of its parts. As an exceptional international lawyer with much to contribute both to Australia and the world, Dr Nygh's story is an inspiring one to all young lawyers in today's legal landscape: be bold, be good at what you do, and seek global perspectives.

### **III. Overview of My Work Programme**

I was the 10<sup>th</sup> Peter Nygh Intern at the Permanent Bureau of the Hague Conference on Private International Law (Hague Conference) from 26 February 2015 to 24 July 2015.

During my time at the HCCH, I was lucky to be involved across a number of different and incredibly interesting projects. Native English speakers are quite prized, and the Permanent Bureau office is small, so it results in a good degree of lateral movement. I worked, broadly, on three different projects during my time as a Nygh Intern. These included:

- a. The Judgments Project;
- b. Preparation of the next Special Commission meeting, as is customary for the Peter Nygh Intern. In 2015, a Special

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<sup>7</sup> Talia Einhorn and Kurt Siehr (eds), *Intercontinental Cooperation through Private International Law: Essays in Memory of Peter E Nygh* (2004, TMC Asser Press) v.

- Commission meeting was held on the Practical Operation of the 1993 Hague Convention on Intercountry Adoption; and
- c. Review of materials ahead of the publication of Handbooks for the Service Convention and Evidence Conventions.

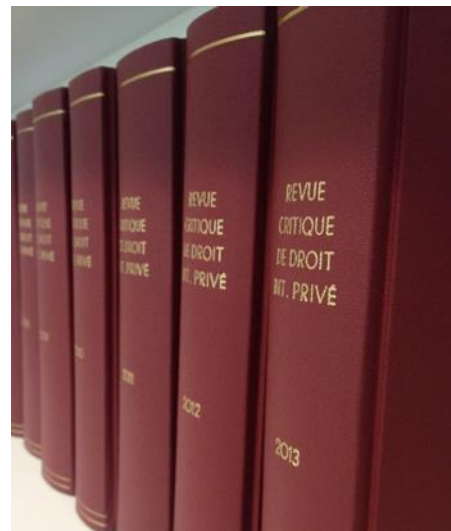
### a. The Judgments Project

The pithily named “Judgments Project” is in many ways the Organisation’s current flagship project. It is the creation of a Hague Convention facilitating the worldwide recognition and enforcement of civil and commercial judgments.<sup>8</sup> Its aim is to provide legal mechanisms for actors to enforce judgments internationally in commercial or civil matters.

The Judgments Project is in an exciting phase. In February 2015, the Fourth Working Group at the Hague Conference recorded a major breakthrough, by submitting to the Council on General Affairs and Policy a preliminary draft text of a potential convention. Having received the endorsement of that Council, the draft text can now be the subject of further work and development by experts, with a Special Commission potentially being identified as early as next year, or 2017.

I spent the first three months of my internship assisting Dr. Marta Pertegás, Ms. Cara North, and Ms. Ning Zhao on the Judgments Project. My first task was to assist at the Fourth Meeting of the Project’s Working Group. The Working Group is an academic think-tank and drafting committee comprised of internationally renowned experts (including Australia’s Prof. Richard Garnett, also a Member of the Nygh Internship Selection Panel). I took minutes of the Meeting, recording, in broad, the work conducted by the Working Group, and which might assist the experts to identify areas for interim work between Meetings.

My second task was to assist in drafting a detailed research note for the Permanent Bureau. The note undertook a comparative survey of the approaches of certain national regimes and bi- and multi-lateral instruments in considering *lis pendens* in the recognition and enforcement of foreign judgments. Specifically, this note considered how the courts of an enforcement forum might react to a request to recognise and enforce a foreign judgment if there were pending



*The numerous and varied tomes in the HCCH’s Library proved very useful for research tasks!*

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<sup>8</sup> For further information about the Judgments Project, see Paul Beaumont, “Hague Choice of Court Agreements Convention 2005 Hague: Background, Negotiations, Analysis and Current Status.” (2009) 5.1 *Journal of Private International Law* 125, and Ronald Brand, “Jurisdictional Developments and the New Hague Judgments Project”, in Permanent Bureau of the Hague Conference of Private International Law (ed) *A Commitment to Private International Law: Essays in Honour of Hans van Loon* (2013, Intersentia) 89.



proceedings in the enforcement forum, on the same merits between the same parties, touching on the interplay between the related, but conceptually distinct principles of *res judicata* and *lis pendens*.<sup>9</sup> I was very pleased to assist with this task, as it indirectly relates to my own areas of research interest; when national legal systems should or should not assert jurisdiction. This note has now been circulated ahead of the Fifth Working Group Meeting, to be held in October 2015, in The Hague.

**b. The 2015 Meeting of the Special Commission on the 1993 Hague Intercountry Adoption Convention<sup>10</sup>**

2015 marked the 20<sup>th</sup> year of operation of the 1993 Hague Intercountry Adoption Convention, and this coincided with the occasion of its fourth Special Commission meeting of the Hague Conference, in this instance as part of the regular process of review of this Convention's operation.<sup>11</sup>

My tasks in helping with the staging of the 2015 Meeting of the Special Commission were varied and interesting. In anticipation of the Meeting of the Special Commission, the Permanent Bureau puts together academic and practical discussion materials to promote engagement by the invited experts at the Meeting. These are called "Preliminary Documents", or "Prel. Docs". My tasks associated with the preparation of the preliminary documents included, *inter alia*:

- Conducting legal research on specific topics to assist staff in preparing substantive preparations;
  - Substantive review of footnotes and citations of the Preliminary Documents. This involved cross referencing many of the assertions in the discussion papers drafted by the Permanent Bureau against the answers provided by State respondents under Country Profiles and Questionnaires, as well as the Permanent Bureau's previously published guides;
  - Analysing and summarising State responses to Country Profiles and Questionnaires sent to all State Parties to the Apostille Convention to assist preparations; and
  - Suggesting alignments of English translations of French source documents.
- **Saturday training:** For the first time in the history of the Convention's operation, the Permanent Bureau piloted a training session for States of Origin, new Contracting States, and potential new Contracting States in outlining the safeguards, best practices

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<sup>9</sup> ALI/UNIDROIT, "Principles of Transnational Civil Procedure" (2004) 4 *Unif. L. Rev* 758, 806.

<sup>10</sup> The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, adopted 29 May 1993 and entered into force 1 May 1993. ("1993 Hague Intercountry Adoption Convention")

<sup>11</sup> Under Art. 42 of the 1993 *Hague Intercountry Adoption Convention*, Special Commissions must be convened at regular intervals to review the practical operation of the Convention, and the 2015 Special Commission was the fourth such Commission, following those convened in 2000, 2005, and 2010.

and the ratification track under the Convention. My tasks associated with this initiative included, *inter alia*:

- Research and preparation of PowerPoint presentations and diagrams for use during preliminary training sessions;
  - Translation of French language training materials into English; and
  - Research into country-specific child protection problems in attending States, and considering recommendations by the UN Committee on the Rights of the Child.
- **The Meeting of the Special Commission:** At the Meeting itself, a majority of my efforts were directed toward making delegates feel at ease. This involved assistance with the practical setup of the Hague Academy space at the Peace Palace, welcoming and assisting delegates with practical queries at the start of the week, offering French language assistance to those delegates who required it, and conducting research during the Meeting, as needed. For several sessions, I also worked as a Recording Secretary, taking minutes of the Meeting to record interventions and observations for future reference. The week itself was just as exciting socially as it was professionally, with just as many important discussions being shared over canapés, as in the formal sessions.



*The Meeting of the Special Commission, held 8 – 12 June 2015*

### c. Service and Evidence Handbooks

In the later part of my Internship, I was lucky to be involved in the final stages of research, citation, general proofing and translation of the Handbooks to the Service and Evidence Conventions, under the direction of Ms. Mayela Celis and Mr. Brody Warren (former Nygh Intern) to ready these for publication by the end of 2015.

Compiling such Handbooks is an important part of the work of the Permanent Bureau, as they survey legal developments in relation to existing Conventions, provide commentary and direction on those developments, and may in turn inform State practice in relation to those developments, and shape future implementation and judicial interpretation of the Conventions. The task is a complex one both legally and administratively; the Handbooks must provide a complete and accurate picture of legal developments on the one hand, but publications can be quickly rendered out of date in the time required to complete the citation and translation between the HCCH's official languages, French and English. Timing was definitely of the essence!

Having had only a vague understanding of the *1965 Hague Service Convention* and the *1970 Hague Service Convention* from law school, it was excellent to experience the day-to-day utility of the Convention and its role in legal process. I am grateful to the Permanent Bureau for having offered me a month's extension as a Legal Assistant after the formal conclusion of my Internship to complete aspects of this important work.

## IV. Opening Doors: A Reflection on the Internship and its Outcomes

I was very privileged to work to support the highly skilled, internationally-minded lawyers at the Hague Conference. The Hague Conference's aims resonated deeply with me, and the Internship opened many doors to an international network, to high quality, engrossing legal work, to a more mature understanding of international cooperation, diplomacy and treaty making, to professional development opportunities, and to a better understanding of Australia's place in the legal world.

- **A Global Network: The Internationality of the Hague Conference**

The HCCH's global composition and reach demonstrates a perhaps more subtle truth about the HCCH and the Permanent Bureau. Having worked in the Organisation, it is clear that its external and internal personalities match perfectly. Having worked for 7 months at the Permanent Bureau, I was captivated by the spirit of inclusiveness, pluralism and modest intelligence of the office. Its permanent staff and interns represent, at any given time, approximately 20 countries, are almost all bilingual, and represent both major legal systems (civil law and common law) and a diasporic cross-section of each nation's unique legal traditions. The Permanent Bureau is something of a microcosm of the Organisation itself, and it is a truly inspiring place to work.

The Hague itself is a global city, home to thousands of expatriates working in international organisations and is known as the city of peace and justice. As a Nygh Intern, you live as an expat, and are issued with a Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs) residency permit which says *geprivilegieerd*, or “privileged”. You can take the EU-Schengen line at the airport, and you don’t pay Dutch taxes on any income. At professional functions, you mix with Embassy staff, and polish your soft skills of diplomacy – how to address Ambassadors, how to make interesting small talk, and how to avoid linguistic and cultural *faux pas*!

- **The scale of the task of International Law**

It takes first-hand experience to realise just how delicate the task of the HCCH actually is, and equally, just how impressive the HCCH’s legal milestones actually are. Having completed the Internship, I’m now aware that the Organisation’s instruments demonstrate a phenomenal ability to achieve legal consensus amongst stakeholders often with, truthfully, very little in common. Creating universal rules of private international law to co-ordinate the relationships between different private law systems is, intellectually, an enormous task, and these instruments are drafted amongst people with very different backgrounds, legal, political, and cultural goals, expectations and tactics. It was thus exceptionally interesting to see how skilfully the HCCH was able to facilitate contributions, without bias, to ensure that legal system was not just represented, but heard.

- **Life as an “expert expat”**

I was a very recent Australian legal graduate at the time of undertaking the Nygh Internship, and you can imagine my shock when I was trusted to explain an intricate area of Australia’s enforcement regime to very senior persons at the Permanent Bureau! The fact is, Nygh Interns are treated as a representative of the Australian and common law legal systems, and as an expert in those fields. I found that part of being a diligent “expert” was to also admit when I didn’t know the answer. Having the research tools to find a correct, properly researched, thoughtful answer is infinitely better than a rapid fire, incorrect one.

- **Building academic credentials**

During my time at the Permanent Bureau, I gained subject matter expertise, almost without realising it. This enabled me to comment intelligently on the work of the HCCH both within the organisation, and outside of it. I was fortunate to be able to partner with the Australian Institution for International Affairs, which, as stated, generously supports the Peter Nygh Internship, to write two short online opinion pieces.<sup>12</sup>

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<sup>12</sup> See my blog posts on the Judgments Project and the 1993 Hague Intercountry Adoption Convention: ‘Australia and The Hague’s Judgments Project’ on Australian Institute of International Affairs (19 May 2015) <<http://www.internationalaffairs.org.au/australian-outlook/australia-and-the-hagues-judgments-project/>>; ‘Only Fools Rush In? Disaster Zone Adoptions and the 1993 Hague Convention’ on Australian Institute of International Affairs

- **Concurrent & future employment opportunities**

There is a strong trend of Peter Nygh Interns being offered casual, or even permanent work as a direct result of the Peter Nygh Internship. This can take the form of *ad hoc* engagements, for example, to take minutes of particularly important meetings of the Organisation, or, as I was lucky to have happen, Nygh Interns may even be asked to stay after the formal end of the Internship in some other capacity. I was employed for a further month at the Organisation from July – August 2015 as a Legal Assistant to provide support in the final stages of publication of the Service and Evidence Convention Handbooks.

- **Advancing Australia’s position in the conflict of laws**

As wrote Michael Pryles in 1988 after the landmark conflict of laws case of *Oceanic Sun*<sup>13</sup> “in a world of growing legal interdependency, the need for comity has never been greater.”<sup>14</sup> Despite a clear need for clarity, collaboration and certainty in conflict of laws, it has been argued that certain elements of Australia’s conflict of laws system are untenable.<sup>15</sup>

The Internship has shown me that there is for improvement in Australia’s conflict of laws rules, but has also reinforced that Australian lawyers have an incredible capacity to promote the rule of law domestically and internationally through greater engagement with this topic. We speak English, we come from a common law legal system, and we are extremely active in our region. The importance of these factors cannot be underestimated at a time of growing economic and political interconnectedness with regional neighbours, and has been noted by previous Nygh Interns, Australia has a large and influential voice at the Hague Conference. Australia is well liked and well regarded for its contributions, financially, intellectually, and in-kind to the HCCH’s aims, and we are in an ideal position to create change.

## V. Prospective Applicants

### a. Who is the HCCH looking for?

The HCCH wants clever, globally-minded lawyers, who are committed to work of the Organisation. Applicants need to understand private international law, which forms the subject matter of the Conventions. Applicants must also not forget the role of public international law and the treaty making process, which underpins these Conventions, such as the *1980 Vienna Convention on the Law of Treaties*. But, importantly, public

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(31 July 2015) <[http://www.internationalaffairs.org.au/australian\\_outlook/only-fools-rush-in-disaster-zone-adoptions/](http://www.internationalaffairs.org.au/australian_outlook/only-fools-rush-in-disaster-zone-adoptions/)>

<sup>13</sup> *Oceanic Sun Line Special Shipping Co Inc v Fay* (1988) 165 CLR 197.

<sup>14</sup> Michael Pryles, ‘Judicial Darkness on the Oceanic Sun’ (1988) 62 *Australian Law Journal* 774, 786.

<sup>15</sup> For criticism of major elements of Australia’s conflict of law rules, see e.g., Justice James Allsop, ‘Incoherence in Australian private international laws’ (FCA) [2013] *FedJSchol* 8; Richard Garnett, ‘Stay of Proceedings in Australia: A ‘Clearly Inappropriate’ Test?’ (1999) 23(1) *Melbourne University Law Review* 30.

international law is generally only tangential to the tasks of the HCCH. Beyond the legal issues, applicants should also try to make themselves familiar with the diplomatic processes the Organisation undertakes to advance private international law; its structure, its Committees, its work plan, et cetera. Those processes are unique and form part of the HCCH's culture and tradition.

Further, applicants must be aware that the office is multicultural, and though not essential, having one or more foreign languages, particularly French, is a skill which will always be put to good use. Moreover, the office is small, and the HCCH seems to attract sociable people. There are many office events, and it is an exceptionally friendly atmosphere.

That all being said, every Nygh Intern will offer different skills and a different perspective. I am certain that if you sat each of the 10 Nygh Interns down in a room, each would have a very different story. Indeed, that is reflected in the style, content, personal attributes and achievements of each of the Internship reports.



*The Permanent Bureau's friendly and very talented staff*

### **b. Once you're here**

Once you're here, you're ready to start your own adventure! In advancing the trend started by previous Nygh Interns, I won't take the opportunity in this report to discuss practical matters in any great detail, such as flights, health insurance, immigration, finances, accommodation, and travelling. What I will say is that I was lucky to have an amazing experience with three fantastic Dutch housemates in my share house, and I would highly recommend that living arrangement to get a true experience of Dutch everyday life, culture and language. In keeping with the experience of past Nygh Interns, I was able to travel broadly on my weekends both within the Netherlands, and outside of it. I experienced

many exciting destinations in Europe and beyond, including France, Spain, Portugal, Germany, Czech Republic, the United Kingdom and even Qatar.

For me, working out the nuances of Dutch life was actually incredibly fun, and certainly a case of trial and error, cliché and surprise. Whilst in the Netherlands, it is important to keep an open mind, ask around, and be ready to immerse yourself. Don't hide away. Follow Dutch politics, observe *Koningsdag*, stroll along the *grachten* in Amsterdam (as I duly did – see opposite), ride a bike, smell some tulips, marvel at the efficiency and cleanliness of Dutch public transport, drink a beer, go to the football, hockey and volleyball. Try your hand at some Dutch pleasantries, or learn even more of the language, if you're game. And do be sure to visit Scheveningen, take a plunge in the frigid North Sea, and maybe, just maybe, eat a herring (but do this at your own peril!).



## VI. Conclusion – Putting the “Intern” in “Private International Law”

It has been a great privilege to serve as the 2015 Peter Nygh Intern at the Hague Conference on Private International Law.

I experienced an unparalleled, first-hand insight of how an inter-governmental body works to foster and achieve international cooperation amongst legal systems. I have been inspired to deepen my expertise in private international law, the processes of treaty negotiation and implementation, to challenge and progress my language capabilities, and to capitalise on every opportunity which emerges from my new network of international colleagues and friends, in The Hague and throughout the world.

I again express my sincere gratitude for the financial support from the Nygh family and the below institutions, which has allowed this wonderful award to come to fruition.



Allens < Linklaters

