

PETER NYGH

HAGUE CONFERENCE

INTERNSHIP



2010

FOREWORD

This report recounts my experiences as a Peter Nygh Hague Conference Intern. It is presented to the Peter Nygh Hague Conference Internship Board to enable the Board to evaluate the success of the internship in fostering Australian involvement in the Hague Conference and encouraging the principles of international cooperation and harmonisation of laws.

My application for the Peter Nygh Hague Internship was motivated by an interest in finding effective legal solutions to cross-border issues. The mission of the Hague Conference – *to work for a world in which individuals, families as well as companies and other entities whose lives and activities transcend the boundaries between different legal systems, enjoy a high degree of legal security* – was therefore particularly appealing to me.

My internship with the Hague Conference has reinforced the principle that an appreciation for differences in domestic legal systems, and understanding how they can conflict and coexist, is crucial to successful legal practice and effective policy making in cross-border matters. For me, the Peter Nygh Hague Conference Internship has certainly fulfilled its objective to encourage the principles of international cooperation and harmonisation of laws.

I have been fortunate enough to continue on with the Hague Conference as a legal officer at the Permanent Bureau. In saying this, I acknowledge that it is not usual practice for interns to be employed by the Permanent Bureau, nor is this an objective of the Peter Nygh Hague Conference Internship. Instead, the objective on the Internship is to foster Australian involvement in the Hague Conference, and it is through a commitment to pursuing further studies and career opportunities in the field of private international law, and a conviction in the ongoing relevance of the work of the Hague Conference, that I intend to contribute towards the fulfilment of this objective.

I would like to thank the Australian Institute of International Affairs and the Australian Branch of the International Law Association for giving me the opportunity to undertake the internship with the Hague Conference. I would also like to acknowledge the Nygh family and the Commonwealth Attorney-General's Department for their generous support, as well as the intercountry adoption section of the Department, Katie Price, Margaret Brewster and David Bennett for taking the time to discuss the internship with me. Finally, I would like to thank the staff at the Permanent Bureau for a wonderful experience.

Alexander Kunzelmann
August 2010

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1. INTRODUCTION

About the internship

I was an intern at the Permanent Bureau of the Hague Conference on Private International Law (**Hague Conference**) from 4 February to 30 June 2010.¹ The principal focus of the internship was to assist the Permanent Bureau in preparing for the third Special Commission on the practical operation of the 1993 *Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption* (referred to in this report as the **Inter-country Adoption Convention**), which took place between 17 and 25 June 2010.²

Further information about the Inter-country Adoption Convention is available on the Hague Conference website, at http://www.hcch.net/index_en.php?act=text.display&tid=45.

About the Hague Conference and the Permanent Bureau

The Hague Conference is an intergovernmental organisation, which works for the “progressive unification of the rules of private international law”. It pursues this goal by developing and servicing multilateral treaties (known as **Hague Conventions**), which are divided into the following areas:

- international protection of children, family and property relations;
- international legal cooperation and litigation; and
- international commercial and financial law.

A list of Hague Conventions sorted by area law is available on the Hague Conference website, at www.hcch.net/index_en.php?act=text.display&tid=10.

The Hague Conference has a membership of 69 States and the European Union (each a **Member**), and is becoming increasingly representative of different legal systems in all parts of the world.

¹ Internship dates are agreed between the intern and Permanent Bureau in advance. Initially, I had agreed with the Permanent Bureau for the end date of the internship to be 31 July 2010, which allowed one month to assist in any follow-up activities arising out of the Special Commission in June. We subsequently agreed to bring forward the end date to 30 June 2010 to allow me to commence as legal officer on 1 July 2010 (see *Outcome of the internship below*).

² A **Special Commission** is an extraordinary meeting of the Hague Conference, which is organised to prepare new conventions, or to review existing conventions. The Inter-country Adoption Convention calls for a Special Commission to be convened at regular intervals to review the practical operation of the Convention (Art. 42). Since the Convention’s entry into force, three Special Commissions have been convened (2000, 2005, and 2010).

The work programme of the Hague Conference is divided as follows:

- **legislative work** – researching and analysing private international law issues that form the focus of proposed new conventions, and negotiating and drafting these conventions. These are the “core activities” of the Hague Conference;
- **post-convention support activities** – monitoring the operation of existing Hague Conventions, and providing technical assistance to States on implementing them. These activities are driven by periodic reviews of the Hague Conventions, and are increasingly the focus of Hague Conference resources (approximately 70% of the budget is currently spent on post-convention support activities).

More information about the Hague Conference is available on its website, at www.hcch.net/index_en.php?act=text.display&tid=26.

The Permanent Bureau is the secretariat of the Hague Conference and employs approximately 30 legal and administrative staff (excluding interns). The main function of the Permanent Bureau is to support the work of the Hague Conference, which it does through organising meetings, carrying out research on topics on the work programme, and engaging in various activities to support the implementation and operation of Hague Conventions.

The legal staff of the Permanent Bureau is comprised of the Secretaries (the Secretary General, Deputy Secretary General, and four other Secretaries, which are appointed under the Statute of the Hague Conference) and legal officers (which are engaged by the Permanent Bureau to assist the Secretaries).

2. THE WORK

Shortly before departing for The Hague, the Permanent Bureau provided me with a work programme listing the duties that I would be required to perform as an intern. This work programme is a convenient reference point for describing the work I did as part of the internship.

General duties

The general duties of the internship are performed together with other interns at the Permanent Bureau.³ These duties were as follows:

- ▶ **carry out research on particular issues of private international law or comparative law, relevant either to the operation of existing Hague Conventions or to the future work programme of the Hague Conference**

During my internship, there was not much legislative work on the immediate work programme of the Hague Conference. Instead, the Permanent Bureau was preoccupied with post-convention support activities. This situation was of concern to the Permanent Bureau, which had announced to the Council on General Affairs and Policy in 2009 that if the Hague Conference was to maintain its global leadership role in the field of private international law, it needed to continue to be able to respond promptly and flexibly to new needs for new instruments in the field.

Despite this, I was still able to assist with a number of projects relating to potential new topics for legislative work, including:

- *questions of private international law raised by the information society* – I conducted research into attitudes in Australia and Asia-Pacific towards the cross-border flow of personal data (with particular focus on the recent ALRC inquiry into the operation of the *Privacy Act 1988*, and its extraterritorial application); and
- *assessment and analysis of transnational legal issues relating to security interests* – I briefed the Permanent Bureau on the recent personal property securities reform in Australia (with particular focus on the conflict of law rules set out in Part 7.2 of the *Personal Property Securities Act 2009*, which related to work done by the Hague Conference with UNCITRAL on the applicable law in security interests created in intellectual property).

In the context of the 2005 Choice of Court Convention, I also provided status updates on the implementation of the 2008 Agreement between Australia and New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement (which

³ For commentary on the general internship programme at the Permanent Bureau, see *Being an intern at the Permanent Bureau* below.

dealt in part with choice of court agreements). The Hague Conference was following domestic developments such as this to the gauge interest of States in joining the Convention (which at the time only required one more ratification/accession before entering into force).

➤ **prepare and participate in meetings organised by the Permanent Bureau**

The Council of General Affairs and Policy meets every year to set the work programme of the Hague Conference. The Council consists of representatives of each Member.

I was asked to be recording secretary for the Council meeting in April 2010. The role of a recording secretary is to attend the meeting, and prepare minutes of the discussions for distribution to representatives. This was by no means mundane work; recording secretaries are taken very seriously at the Hague Conference. The minutes provide an accurate record of the (often conflicting) views expressed, and are the reference point to recall the details of the work programme of the Hague Conference. The process of preparing the minutes – from the raised head table alongside the chair in the impressive Hague Academy Building – was also a great opportunity for me to see international negotiations and decision making in action, and to gain a deeper understanding of the legal (and political) aspects of the work of the Hague Conference. It was also an opportunity to interact with some high profile practitioners and private international law academics.

➤ **carry out preparatory work, legal translation or documentary research in accordance with the agenda of the Conference**

These duties were primarily carried out as part of my work for the intercountry adoption Special Commission, which is described **below**.

➤ **provide assistance to the information management officer with regard to library management for a half-day period every week**

The Permanent Bureau maintains a compact library, which is updated with the latest titles in private international law, as well as those presented from time to time by visiting officials (some of the more unusual titles included a book on foreign policy in the Dominican Republic, and a booklet on the participation of the Vatican City in international treaty negotiations). For the first two months of my internship, I helped to catalogue new titles and update online bibliographies on the Hague Conventions.

In addition to the library, the information management officer is responsible for the Permanent Bureau's document management system and intranet (which was launched during the internship and dubbed "**PaB**llo" to reflect the Permanent Bureau's multilingual workplace). A key strategic direction of the Hague Conference is "enhancing the management of internal information", and during the internship, the information management officer and website manager were busy reorganising the Permanent Bureau's electronic filing system.

Specific duties

The specific duties of the internship mostly related to preparations for the 2010 intercountry adoption Special Commission. These duties were as follows:

➤ **assist with the setting up of a statistics database on the 1993 Adoption Convention**

This was my “pet project”, which surprisingly ended up turning my internship into quite an exceptional experience.

A brief background to the project is as follows:

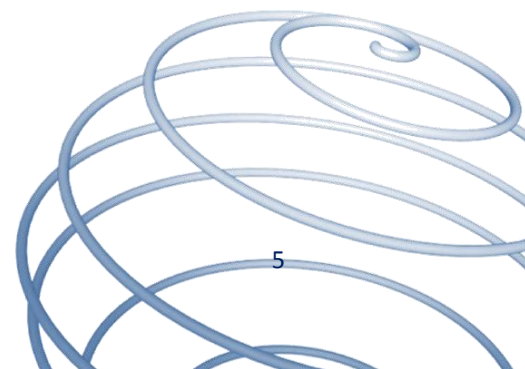
- lamenting a lack of reliable and consistent data on intercountry data, the first meeting of the Special Commission in 2000 recommended that the Permanent Bureau collect statistics from Contracting States. At the time, no such task had ever been undertaken at an international level;
- the Permanent Bureau subsequently developed standard forms, which States were requested to complete and resubmit ahead of the 2005 Special Commission. About 50% of Contracting States responded to this request;
- after considering the statistics submitted, the 2005 Special Commission called on Contracting States to submit statistics to the Permanent Bureau on a regular basis;
- in 2008, the Permanent Bureau engaged an independent expert to improve the use of the standard forms. The Permanent Bureau also entered into discussions with UNICEF and the International Social Service (an NGO based in Geneva) to consider how best to ensure regular and reliable statistics. One solution put forward was the development of a web-based database similar to the “INCASTAT” database, which had recently been implemented under the 1980 Child Abduction Convention.

My task was to critically review the work of the Permanent Bureau. This review would inform discussions at the 2010 Special Commission, which would hopefully in turn arrive at some clear conclusions and recommendations on the issue.

Admittedly, statistics are not the most inspiring topic for a young lawyer. It was not long, however, before I realised that statistics were the reference point for most commentary on intercountry adoption, and that reliable empirical data was essential for observing regional and temporal trends in intercountry adoption, and evaluating the operation of the Intercountry Adoption Convention. From this perspective, I was able to convince myself that I had the



Participants at the 16th annual meeting of



most important task leading up to the 2010 Special Commission!

Mid way through the internship, I submitted a report to the Permanent Bureau, which documented the findings of my review, and set out a number of practical options for collecting statistics in the future.

I was fortunate enough to present these findings to the 16th annual meeting of European central authorities on intercountry adoption, held at Amsterdam in April, and later to over 200 experts participating at the 2010 Special Commission. (I am told that this was the first time an intern had ever addressed a Special Commission!)

The Permanent Bureau is currently preparing an abridged version of my report, which will be issued to States for comment in the wake of the Special Commission. The way forward therefore remains to be determined.

- **assist with the preparation of the meeting of the Expert Group on Accreditation of February 2010 and the Special Commission of June 2010 on the Intercountry Adoption Convention, in particular the compilation of replies and country profiles sent by States, the preparation of working documents, etc**

Guide to Good Practice

The 2005 Special Commission recommended that the Permanent Bureau develop a Guide to Good Practice dealing with the accreditation of adoption bodies under the Intercountry Adoption Convention. The Permanent Bureau subsequently convened an expert group (comprising representatives from Contracting States, accredited bodies, as well as other adoption experts) to assist with the content of the Guide.



The 2010 Special Commission in session

In February 2010 the expert group met in The Hague to discuss the draft Guide, which had been prepared by the Permanent Bureau in collaboration with the Central Authority in Quebec and a Swedish accredited body. I assisted with the preparations for the two-day meeting, and sat in on discussions to record feedback on the draft Guide. In doing so, I was able to witness an open exchange of experiences and views on the very sensitive issue of involving private bodies in the intercountry adoption process.

Following the meeting, I assisted with revising and translating parts of the Guide to incorporate the experts' feedback, and prepare the Guide for tabling before the 2010 Special Commission. By doing so, I was able to learn a great deal about how intercountry adoption works in practice.

A copy of the draft guide is on the intercountry adoption section of the Hague Conference website. Subject to incorporating the recommendations of the Special Commission and obtaining the final approval of Contracting States, the Guide is due to be published in 2011.

Country Profiles and other preliminary documents

The 2005 Special Commission also recommended that the Permanent Bureau collect information from each Contracting State on how the Intercountry Adoption Convention has been implemented in that State. In response to this, the Permanent Bureau prepared a “Country Profile” form for all Contracting States to complete and resubmit for publication on the Hague Conference website.

I assisted in drafting and translating the Country Profile forms, and updated the draft Guide to reflect good practices described in the completed Country Profiles that Contracting States had submitted. I also produced background notes on various practices for use by the Permanent Bureau in directing discussions at the 2010 Special Commission.

In addition to the Country Profiles, I assisted with revising the standard forms used to collect intercountry adoption statistics. These forms were issued to States in the lead up to the Special Commission, and within a relatively short turnaround time, the Permanent Bureau had achieved an improved response rate to the previous request in 2005 (described **above**).

Copies of the Country Profile forms and statistics forms are on the intercountry adoption section of the Hague Conference website.

Special Commission on Intercountry Adoption

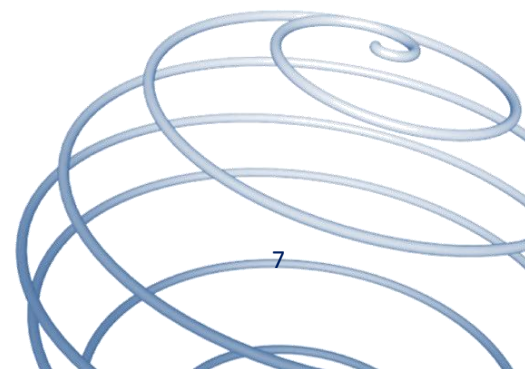
The third meeting of the Special Commission on the practical operation of the Intercountry Adoption Convention took place between 17 and 25 June 2010 at the Hague Academy Building (which is located on the grounds of the Peace Palace). The Special Commission was attended by over 200 experts from Contracting States, Members, and other States and international organisations with an interest in intercountry adoption. I understand that the 2010 Special Commission was the largest meeting ever convened by the Hague Conference.

In addition to the preparation of preliminary documents (described **above**), I was responsible for managing the provision of financial assistance to experts from developing States. Such assistance was key to strengthening and expanding the Intercountry Adoption Convention through ensuring the participation of priority States such as Haiti, Cambodia and Ethiopia.



Life as a recording secretary

I was also recording secretary at the Special Commission, which gave me unparalleled access to the meeting and a greater insight into current issues affecting intercountry adoption around the world.



► **carry out research on the influence of Hague Conventions on domestic and regional (Pacific region) law in Members and non-Member States**

In my first week at the Permanent Bureau, I met with the Secretary General to discuss a research project that would occupy me for the duration of my internship.

Asia Pacific is becoming increasingly active in areas of private international law, and the Hague Conference has reacted by moving to strengthen its presence in the region. The Permanent Bureau has organised three Asia Pacific conferences in the last five years, and a fourth is planned for 2011. Consultations are also underway about the possibility of establishing a permanent office in Hong Kong.

Notwithstanding these efforts, certain key Members in the region (eg India, Japan, and South Korea) have taken a cautious approach to signing up to the Hague Conventions. Accordingly, the research project sought to reveal other ways in which the work of the Hague Conference was influencing the development of private international law in the region.

The research that I carried out – which gave me access to the Peace Palace Library, one of the world’s largest collections of international law materials – was a valuable opportunity to improve my knowledge of private international law, and observe how private international law rules are developed and applied from one State to the next.

My research began closest to home with a review of the 2008 Agreement between Australia and New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement, and the steps taken to implement the Agreement domestically (ie the Trans-Tasman Proceedings Bill, which had recently been passed in Australia, and its New Zealand counterpart, which was still being reviewed by parliament). I then analysed legislative reforms that had recently been carried out in Korea and Japan as part of a global trend towards the codification of domestic private international law rules. I also examined similar projects that were underway in Hong Kong and mainland China. Finally, I looked into non-legislative developments that were being informed by the work of the Hague Conference, including a number of recent inquiries completed by the Indian Law Reform Commission, and ongoing dialogue between the legal profession and policy makers in States such as Malaysia and Singapore.

My main finding was that although States in Asia Pacific have not embraced the Hague Conventions to the extent of their European counterparts, the principles pioneered by these Conventions (eg the doctrine of party autonomy, and the move towards habitual residence as a connecting factor) have had a significant influence on the substance of domestic private international law rules in the region.

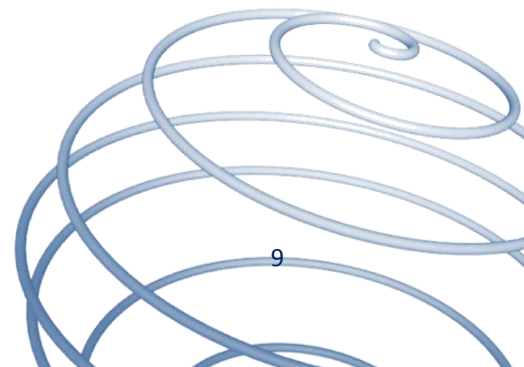
► **update bibliographies and case law on the 1993 Adoption Convention, 1996 Child Protection and 2000 Adult Protection Conventions**

INCADAT (www.incadat.com) is an online database of case law on the 1980 Child Abduction Convention, which is maintained by the Permanent Bureau. The database is used widely by courts, professionals and academics, and is considered to be an effective resource to promoting a mutual understanding and consistent interpretation of the Convention.

During my internship, a new version of INCADAT was launched. In the lead up to the launch, I assisted with transferring case law summaries and analysis from the old database to the new database.



Participants at the 2010 Special Commission



3. ASSESSMENT

Coping with the subject matter

To begin with, the prospect of doing an internship in intercountry adoption was quite daunting to me. I had been practising in commercial and administrative law, and although I had experience working on the implementation of international child rights, I had very little knowledge about intercountry adoption. What is more, the Permanent Bureau was looking for a candidate with academic and practical experience in the field. These reservations were soon to be overcome, and I ended up having a very enjoyable and rewarding time working in intercountry adoption.

I had approximately six months from being informed about the internship to develop a precursory understanding of intercountry adoption. Fortunately, my efforts were assisted by the international attention that the subject was attracting at the time. To begin with, there was the disastrous January 2010 earthquake in Haiti, which reignited a global debate about whether children should be adopted in the aftermath of natural disasters. Then there was the *Fly Away Children* report by Andrew Geoghegan for ABC's Foreign Correspondent in September 2009, which exposed alleged unethical practices of private adoption bodies engaged in adopting children in Ethiopia. And finally, there was the media frenzy surrounding celebrities seeking to adopt children from less developed countries, including Madonna's visits to Malawi (satirised by Sacha Baron Cohen in the film *Brüno*), speculation over whether Angelina Jolie would adopt another orphan in her travels as UN good will ambassador, and Elton John's failed attempt to adopt a Ukrainian child with HIV during a charity tour in 2009.

Shortly after the presentation of the internship, I arranged an informal meeting with a number of people from the intercountry adoption section of the Commonwealth Attorney General's Department. During our discussions (over coffee in Canberra), I learnt about current issues affecting intercountry adoption in Australia, and the priorities of the Australian Government in the lead up to the 2010 Special Commission.

Following this, I did some research on the Intercountry Adoption Convention, based on material available on the comprehensive intercountry adoption page of the Attorney-General's Department's website, and the intercountry adoption section of the Hague Conference website. I also placed a pre-order for the eighth – and first posthumous – edition of *Nygh's Conflict of Laws in Australia*. The release of this seminal text serendipitously coincided with the start of my internship.

By the time I arrived in The Hague, I had a basic knowledge of intercountry adoption, which allowed me to carry out my duties straight away. Over the course of the internship, I developed a much deeper understanding of the operation of the Intercountry Adoption Convention in terms of its private international law effects, as well as its practical, day-to-day operation in different Contracting States. I believe that despite my lack of prior experience, I was able to meet the expectations of the

Permanent Bureau, as demonstrated by the following remarks I received in an email from Jenny Degeling, Secretary with responsibility for intercountry adoption, at the end of my internship:

I was very impressed by the way you picked up this subject matter so quickly when you arrived and then managed to produce excellent work in a short time. I always felt you understood very well what I needed and you managed to produce it.

This learning curve was assisted exponentially by the interesting nature of the subject matter, and the passion and commitment of the legal staff at the Permanent Bureau.

Australia and private international law

The Australian Government and legal profession have a well-established association with the Hague Conference, and it is clear that they are highly regarded by the Permanent Bureau. Australia has a large and influential voice at the Hague Conference, and is recognised for its generous contributions – financially and in kind – to the work of the organisation. Legal staff at the Permanent Bureau were quick to express their admiration for Peter



Nygh (many of whom worked with him), and to describe their positive experiences working with Zoe Justice and Katie Price (the previous Peter Nygh interns).

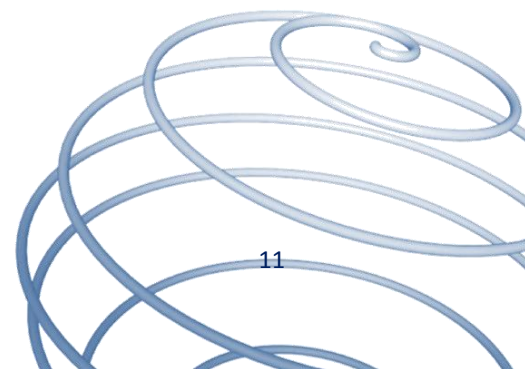
At the award ceremony in October 2009 with Nicola Nygh, Melissa Conley Tyler (AIIA), and Chris Ward (ILA)

Australia is also considered by the Permanent Bureau to be an important gateway to Asia Pacific. Indeed, some of the legal staff assumed that I had specialist knowledge on legal systems in the region, even though geographic proximity and greater cultural familiarity were really the only factors that set me apart from the rest of the legal staff.

Admittedly, the regard for Australia came as a welcome surprise to me, in view of what little appears to be known about the work of the Hague Conference in Australia. In five years of studying law in Australia, not once did I come into contact with private international law, which was offered at my university on an irregular basis as an elective course. Furthermore, except for obtaining apostilles, my colleagues in the legal profession had little awareness of the work of the Hague Conference. This situation is puzzling, not least considering that Australia has an established track record in dealing with conflicts of law issues arising from the juxtaposition of legal systems in its federal system.

Being an intern at the Permanent Bureau

It is quite amazing that the diverse work of the Permanent Bureau (including legal research projects and publications, coordinating technical assistance missions, and organising international conferences) is carried out by a staff of no more than 30 people.



Despite the workload, the office retains a relaxed and friendly working environment.

Interns work with all legal staff (including directly with Secretaries). Unlike the legal staff (which work on the upper floors of the Permanent Bureau building), interns generally work in the library on the ground floor. As a result, it is necessary for interns to communicate well and actively seek and follow up work to maintain workflow.

During my internship, there were interns from Canada, South Korea, China, Japan, and the United States, each staying for between two and six months. The Permanent Bureau appears to be reaching out to Asia Pacific through its internship programme, complementing the Hague Conference's strategy to strengthen its position in the region.

In carrying out my duties in relation to the 2010 Special Commission, I worked closely with five other legal and administrative staff members: Jenny Degeling (Secretary), Sandrine Pépit (legal consultant from France), Trini Crespo Ruiz (on secondment from the Valencia Central Authority in Spain), Laura Martínez-Mora (Adoption

Programme Coordinator), and Stuart Hawkins (Administrative Assistant). Together, we comprised the ad hoc "intercountry adoption team". At my request, I was moved into an office with Sandrine and Trini, which allowed us to work together more effectively.

Outcome of the internship

The most immediate outcome of the internship for me was being engaged by the Permanent Bureau as a legal officer at the end of the internship.

The resignation of a legal officer just before I started the internship had created a vacancy in the legal cooperation and litigation area of the Permanent Bureau. Aware of my interest in this area, the Permanent Bureau invited me early on to a meeting to discuss the position with the two Secretaries responsible, Christophe Bernasconi and Marta Pertegás. As the position was only funded until the middle of 2011, the Permanent Bureau wanted to engage a new legal officer without delay.

My new duties as legal officer include assisting with the implementation of the relevant conclusions and recommendations adopted by the Special Commission on the practical operation of the Hague Apostille, Service, Evidence and Access to Justice Conventions (held from 2 to 12 February 2009), comparative research, preparation of materials for publication, assistance in



Above: the intercountry adoption team at work (Trini, me, and Sandrine)

Below: Thomas (intern from Canada), Stuart, and me



The interns at the Peace Palace: Hatoko (Japan), Yang (China), me, and Thomas (Canada)

answering daily requests for information relating to the relevant Conventions, assistance in the preparation of meetings, and assistance in the preparation of and participation in conferences, seminars and training programmes.

Other important outcomes of the internship were:

- a much improved knowledge of private international law;
- in-depth understanding of the practical operation of the Intercountry Adoption Convention;
- experience in organising a large international conference and liaising with governmental officials from a variety of States;
- experience working in a linguistically and culturally diverse environment;
- exposure to multilateral negotiations and international decision-making;
- better appreciation of the Australian legal system in the context of other domestic legal systems;
- improved use of French (writing and speaking) at a professional level; and
- improved translation skills (French to English).



Thomas and me outside the Peace Palace

4. PRACTICAL INFORMATION

Pre-internship timeline

Late January 2009	Application submitted.
Mid September 2009	Notification of award (the award had been delayed as the preferred candidate was no longer able to undertake the internship).
Late September 2009	First contact with the Permanent Bureau to confirm acceptance of the award, and start discussing internship dates.
Mid October 2009	Informal meeting with Katie Price (2009 Peter Nygh Intern) to discuss the internship.
Late October 2009	Award ceremony in Canberra.
November 2009	Informal meeting with the Commonwealth Attorney-General's Department.
Late December 2009	Flights booked.
Early January 2010	Internship dates finalised and confirmed with the Board.
Mid January 2010	Award amount transferred into my bank account. Application for lease of apartment in The Hague submitted and approved.
Late January 2010	Arrival in The Hague.
Early February 2010	Start of internship.

Health insurance

Peter Nygh Interns are required to take out travel, medical and hospital insurance to cover the period of the internship. This requirement can be met by taking out a travel insurance policy prior to starting the internship.

Under a reciprocal healthcare agreement between Australia and the Netherlands, Australian nationals are entitled to free access to the public health care system in the Netherlands for up to 12 months.

Further information, including on the process for obtaining a certificate of eligibility, is available through the Medicare Australia website, at www.medicareaustralia.gov.au/public/migrants/travelling/netherlands.jsp.

Immigration and residency

Interns are responsible for immigration and residency matters. Basically, the status of Australian nationals in the Netherlands is as follows:

- no visa is required to enter and stay in the Netherlands for up to 90 days; and
- for a stay of more than 90 days, a residence permit is required. **However**, under an arrangement between the Hague Conference and the Government of the Netherlands, interns at the Permanent Bureau are exempted from this requirement if they are: (i) doing an internship for more than 90 days; and (ii) registered with the Ministry of Foreign Affairs (**MFA**). The human resources officer provides interns with the registration forms to complete at the start of the internship. Once registered, interns receive an MFA ID card.

A partner or spouse of an intern is not entitled to register with the MFA, and will therefore need to obtain a residence permit for a stay of more than 90 days. Alternatively, that person may apply for the Working Holiday Scheme to stay for a period of up to 12 months if s/he is: (i) an Australian national; and (ii) aged 18-30. Further information about the Working Holiday Scheme can be obtained from one of consulates of the Netherlands in Australia.

Contact details for Netherlands missions in Australia are available online at www.netherlands.org.au.

Further information about immigration and residency matters can be obtained using the “residence wizard” on the website of the Netherlands immigration service (the *Immigratie- en Naturalisatiedienst*, or **IND**).

The IND residency wizard is at <http://english.ind.nl/residencewizard>.

Language

According to the Permanent Bureau, interns should speak English and French, the official languages of the Hague Conference.

The working language of the Permanent Bureau is predominantly English. All office-wide communications and meetings were in English, and it is the only language that was understood by all staff. That said, it was extremely useful to have at least a passive understanding of French, as this is used in official correspondence, including external communications and State responses to questionnaires, as well as in material relevant to research tasks. Interns will have a much more fulfilling experience with the Hague Conference by knowing the French language.

Most people in The Hague speak English, but it is useful to have a basic understanding of Dutch. A lot of information is available only in Dutch (eg public transport notifications, bank account agreements, and prompts when accessing voicemail and recharging credit on a Dutch SIM card).

Finances

Assistance provided by the Board is designed to cover airfares and contribute towards (but not cover) living expenses. A useful indication of expenses is as follows:

- **Rent** – €500-600 per month for a shared furnished apartment (including utilities); €1100 per month for a single furnished apartment (including utilities);
- **Transport** – about €10 per week based on travel within the transit zone surrounding the Permanent Bureau (the HCCH has a selection of traditional Dutch bicycles that are available for loan free of charge);
- **Groceries** – comparable to Australian prices;
- **Health insurance** – A\$1,000 for six months (general travel insurance policy); and
- **Telecommunications** – about €30 per month for pre-paid mobile call and text using a Dutch SIM card.

Interns may be invited to work as a recording secretary during Special Commissions, or other formal meetings convened by the Permanent Bureau. Recording secretaries receive an allowance of about €210 per day (which is well earned in view of the potentially long hours involved).

Opening up a bank account is a good idea, but can take some time, and may not be possible without ID issued in the Netherlands (eg by the IND or MFA). ABN-AMRO has online banking in English.

Living in The Hague

I moved to The Hague with my wife, and we both found it very easy to settle in. It is a refreshingly open city (with wide streets, stately mansions, and a lot of green space), which is reassuringly above sea level (for the most part), and very easy to get around by bicycle or by public transport.

In general, interns at the Permanent Bureau arrive in The Hague a few weeks before they commence their internship to look for an apartment. During this time, they stay in a hostel or some other form of pre-arranged short-term accommodation. By contrast, we arranged our apartment from Australia before departing for The Hague, using the rental website www.pararius.com to browse listings and contact real estate brokers (called “makelaars”).⁴ Although there are greater risks associated with finalising a lease over an apartment sight unseen, these risks were minimised by using Google Street View, and assurances from expat websites of a well-regulated rental market in the Netherlands.

The Hague is a sprawling city, and although it is easy to get around, most interns opt to live near the Permanent Bureau in neighbourhoods (called “wijken”) such as the Archipelbuurt, Duinoord, Statenkwartier, the Valkenbos-, Regentesse-, or Zeeheldenkwartier, the Bomen- en Blumenbuurt, or the seaside resort of Scheveningen. These neighbourhoods are also on the sea side of the city centre, and

⁴ Real estate agents – in the Australian sense – do not operate in the Netherlands. Instead, the makelaar is an independent intermediary that facilitates entry into the lease. Once the lease is signed, the tenant and landlord communicate directly with one another.

for reasons of geology, are some of the more desirable (and therefore more expensive) areas to live.

Further information on moving to, and living in, The Hague is available on the website of the municipality (Gemeente), at www.denhaag.nl/en.htm. An interactive map of the various neighbourhoods in The Hague is available (in Dutch only) at www.denhaag.nl/home/Den-Haag-op-de-kaart.htm?portaal_key=gemeente&marker_key=stadsdelen.

As the “legal capital of the world”, The Hague is host to international judicial institutions such as the International Court of Justice (located in the Peace Palace, which is less than 100 metres away from the Permanent Bureau), the International Criminal Tribunal for the former Yugoslavia, and the International Criminal Court, as well as numerous international organisations. The ICTY has established a social network encompassing interns from many of these bodies, and organises weekly festivities. Interns at the Hague Conference can join the email list to receive information about these and other events around town.

Australian nationals may also be invited to participate in a range of events organised by the Australian Embassy in The Hague by registering with the Department of Foreign Affairs and Trade (via the www.smartraveller.gov.au website). We attended a number of events, including the ANZAC Day service and reception, and an annual dinner held for young Australian and New Zealand lawyers in The Hague at the Ambassador’s Residence.

The website of the Australian Embassy in The Hague is at www.netherlands.embassy.gov.au.

Along with countless expat groups in The Hague, there are plenty of opportunities to meet new people.

For interns staying over summer, it is worthwhile attending the Hague Academy of International Law, which offers summer courses in both private and public international law, each over a three week period. Thanks to an agreement between the Permanent Bureau and the Hague Academy, interns may attend lectures on an ad hoc basis, provided that prior approval is obtained from the supervising Secretary, and the Hague Academy is notified of the lectures attended. Alternatively, interns may wish to formally enrol in one or both of the summer courses. As this requires full-time attendance over three to six weeks, interns should only enrol where lectures take place outside the agreed internship dates (ie before or after the internship).

Travelling around

The Hague is a very convenient base for visiting other parts of Europe.⁵ It is only 30 minutes away from Amsterdam’s Schiphol Airport, and it is close to high-speed rail links to Berlin, London, and Paris.

For interns who plan to travel around the Netherlands by rail, it is a good idea to obtain a *voordeelurenabonnement* (an off-peak discount pass), which entitles the holder, and four travelling companions, to a 40% discount on fares within the Netherlands **except** for travel before 9am on working days. The pass costs €55 and can be obtained from the service desk at either of

⁵ For a country less than half the size of Tasmania, it goes without saying that it is also a convenient base for visiting other parts of the Netherlands!

The Hague's two main train stations. The pass doubles as an OV-chipkaart, which is a smartcard that can be loaded with credit (or linked to a bank account) and used on pretty much all public transport in the Netherlands.

For an extra €15, the pass can also be combined with a rail plus card, which entitles the holder to a 25% discount off various cross-border train trips into Germany, Belgium and beyond.

For more information about rail plus, see www.nshispeed.nl/en/train-fares-and-discounts/discounts#railplus - for regular customers.

Other information

Prior to the start of the internship, the Permanent Bureau provides interns with a *Survival Guide* containing useful information on day-to-day life in The Hague (eg access to postal, telecommunication, internet, and medical services, shopping, and transport).

In addition, information on what is happening in The Hague from an international law angle is available from the online Hague Justice Portal.

The website of the Hague Justice Portal is at www.haguejusticeportal.net.

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