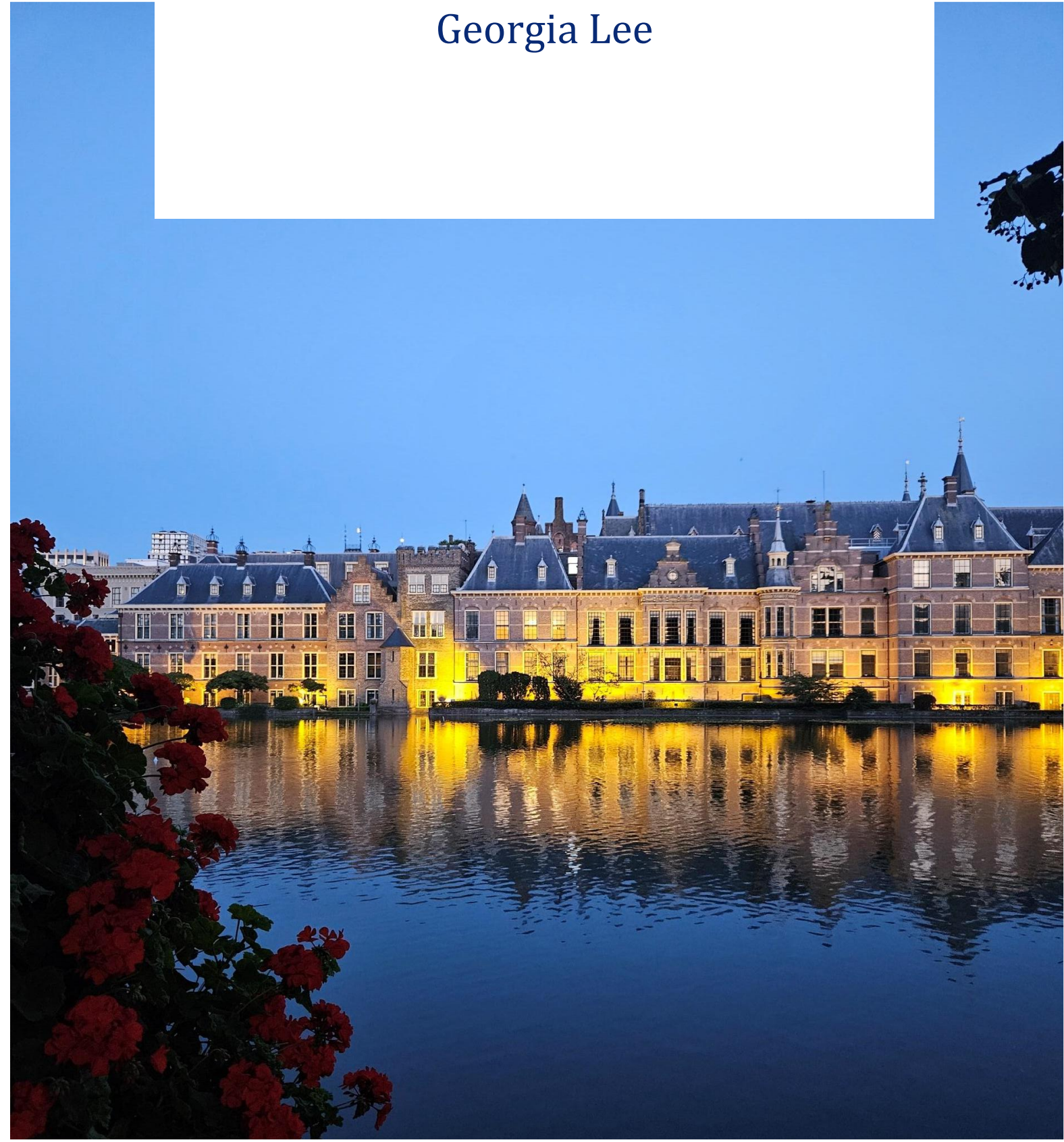


# Peter Nygh Hague Conference Internship Report 2024

Georgia Lee



# Foreword

How lucky I have been to have been granted such a wonderful opportunity.

First and foremost, I would like to express many thanks to Nicola Nygh and the Nygh family for establishing and continuing to support such a wonderful program. I am honoured and privileged to join the growing list of Nygh Interns and to contribute to the legacy of the Hon Dr Peter Nygh - whose contributions to the field of private international law were nothing short of monumental.

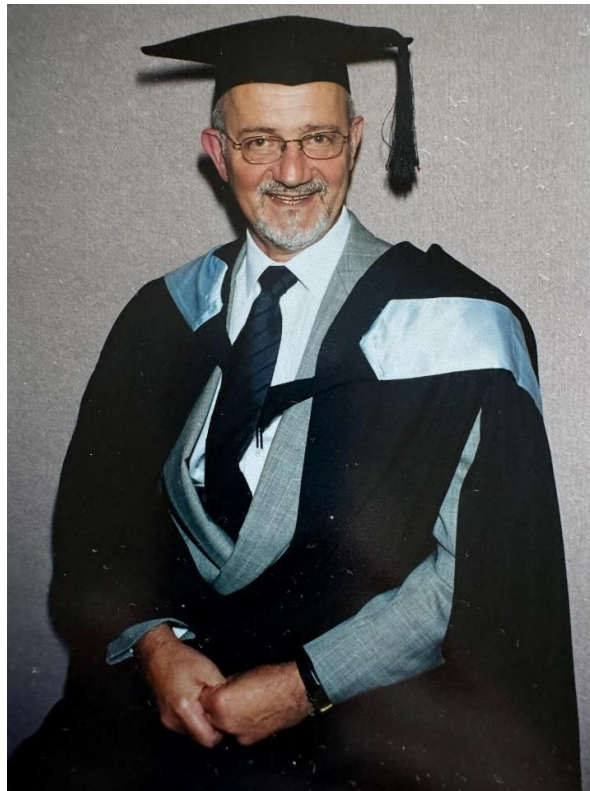
I want to deeply thank the endless kindness of all the staff members of the Permanent Bureau of the HCCH. Their constant support, welcoming nature, and dedication to their work elevated my experience at the HCCH. In particular, I want to extend my thanks to the members of the Transnational Litigation and Apostille Division; Seconded Officers Ms Jung-ah Lee and Ms Diana Wan, Legal Officer Mr Caio Gomes de Freitas, Principal Legal Officer Dr Ning Zhao, and Secretary Ms Melissa Ford. Your intelligence, passion, and continued curiosity towards your craft is something to be admired, and you have all certainly become an inspiration to me.

I would also like to extend my deepest gratitude to the other interns (both past and present) that I have had the pleasure to meet and share this stage of my life with. You all made my move from Australia to the Netherlands a little less scary, and it has been one of my greatest joys to share so many incredible and adventurous experiences with you all. You are all close friends I hold dear to my heart, and I wish you all nothing but the absolute best for your future endeavours. I will be forever grateful for your intelligence, support, endless laughs, and most importantly – your continued friendship.

The Permanent Bureau of the HCCH is a wonderful place to grow and develop as an intern - no matter what stage of life or career you are at. Thank you to the members of the Internship Committee who made the transition as smooth as possible.

Of course, I cannot forget my parents and my now fiancé - thank you. Without your continued love, support, and encouragement - I would not have had the courage to undertake this internship in the first place.

I would also like to take this opportunity to commemorate Leonard Bolzan - my great uncle - who unfortunately passed during the first few weeks of my internship. Len was an incredibly bright Australian Solicitor; a founding Partner of Lapaine Bolzan & Princi Solicitors based in Sydney, and was an informative and respected Senior Lecturer at the College of Law. Thank you for your continued support in my studies and career Len. May your memory continue to thrive through the people whose lives you had a beautiful impact on.



*Georgia Lee*

October 2024



# Arriving in Den Haag and Work Schedule

## New country, new sites

The last time I had visited the Netherlands was in December 2018 with my parents for a mere two days. We were on a tour bus and barely had time to really take in the sights. I had not travelled to Europe at all since that trip, so needless to say, I was nervous with excitement. I arrived a week before my internship commencement date which I would recommend to any future interns. This gave me some time to settle into my new place, explore my neighbourhood surroundings, and most importantly - get my bike! People always told me that the Netherlands has more bikes than people and it certainly appears that way. Ditch the trams and get on a bike, you'll feel like a local in no time.

My love of history pushed any feeling of jet lag deep down and I braved the Netherlands' train network to begin visiting some nearby towns to see some beautiful, old architecture. In my opinion, you can never see too many old buildings. Everything in the Netherlands tells a wonderful story, and the country has beautifully preserved history in so many gorgeous locations. I highly recommend taking advantage of any tour you come across.

Some of my favourite places in the Netherlands included a small city called Delft and De Haar Castle near a city called Utrecht. Delft is the home of the famous blue ceramics and has a beautiful small historical centre to visit that can be biked to from The Hague. De Haar Castle is a little further away and requires a train trip, but it is an outstanding real-life medieval castle with a long history, and can be visited in its entirety (from the



*Figure 1: Armour and weapon sets inside De Haar Castle*

grounds to the inside of the castle). It is the largest castle in the Netherlands and has some wonderful historical displays.



*Figure 2: Outside De Haar Castle*



*Figure 3: View from atop Nieuwe Kerk in Delft*

## Work Schedule

My internship took place from 19 February 2024 to 23 August 2024. I was placed within the Transnational Litigation and Apostille Division, who oversee:

- The *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (Apostille Convention);
- The *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* (Service Convention);
- The *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters* (Evidence Convention);
- The *Convention of 25 October 1980 on International Access to Justice* (Access to Justice Convention);
- The *Convention of 30 June 2005 on Choice of Court Agreements* (Choice of Court Convention);
- The *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (Judgments Convention) and,
- The Jurisdiction Project

On arrival, I was quickly informed by the Team that the focus of my internship would be on the Service, Evidence, and Access to Justice Conventions, as a meeting of the Special Commission in respect of these Conventions was due to take place in July 2024 - the first for these Conventions in a decade. Accordingly, my work at the HCCH can be broadly summarised around the following milestones:

1. Council on General Affairs and Policy 2024 (CGAP 2024).
2. Working Groups for the Service Convention and Evidence Convention Handbooks and Country Profiles.
3. Special Commission on the Service, Evidence, and Access to Justice Conventions.<sup>1</sup>

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<sup>1</sup> Names shortened for brevity. Full names are those listed in 'Work Schedule'.



# 2024: A big year at the HCCH

## Council on General Affairs and Policy 2024.

2024 was a special year to be an intern at the PB. On arrival, I immediately began to help with preparations for the 2024 meeting of the Council on General Affairs and Policy (CGAP), held in early March. Prior to leaving Australia, I had already been given the opportunity by the HCCH to conduct work as a Recording Secretary - a role which involves being responsible for taking the official Minutes for the meeting as it develops and fine-tuning them afterwards to produce clear and accurate Minutes of the Proceedings. CGAP, like most other major HCCH meetings, was held on the grounds of the Peace Palace. To have the opportunity to enter the grounds of the Peace Palace for work-related affairs was certainly a highlight that any keen student of law would be thrilled to experience.



*Figure 4: Peace Palace on a sunny day*

CGAP 2024 is the governing body of the HCCH and which sets the strategic direction of the organisation and agrees upon the forward work program. As a new intern, this meeting was a great opportunity for me to learn about how the work of the HCCH is decided, and what kind of objectives each team will have for the coming year. As Recording Secretary, you take an active part in these meetings, listening and following along carefully. It gives you the opportunity to learn about the logistics, planning, and mechanisms of the HCCH on a global sphere, and it is very interesting to hear the interventions from different States regarding their input or feedback. This was a fantastic introduction to the work of the HCCH, and I truly encourage any future interns to take up these opportunities if they arise.



*Figure 6: Working as a Recording Secretary at CGAP 2024*



*Figure 5: Outside the Peace Palace*

Of note, the Conclusions & Decisions and Preliminary Documents relevant to CGAP 2024 were published in Spanish. This was the first time in the history of CGAP that these documents were translated into Spanish, as Spanish became a third official language of the HCCH on 1 July 2024. It was incredibly exciting to be a part of this era in the history of the HCCH.



## Working Groups

Once CGAP had concluded, focus was directed on the revision of both the Practical Handbook on the Operation of the Service Convention, the Practical Handbook on the Operation of the Evidence Convention, and the development of the respective Convention's Country Profiles. CGAP 2024 had mandated the establishment of two Working Groups to review and refine updates to both these Handbooks and the Country Profiles. Work was now focused on refining the Handbooks and subsequently hosting the Working Groups. The first of these meetings concerning the Service Handbook and Country Profile was held on 17 May, and the second Working Group for the Evidence Handbook and Country Profile was held on 28 May.

The preparation for these Working Groups involved collating and analysing feedback from various States as well as participating in many bilateral meetings to discuss the feedback. I assisted in the preparation of several feedback tables alongside Permanent Bureau responses which were circulated to States prior to the Working Group meetings. While these preparations were underway, work on the Handbooks continued with tasks which included cross-referencing, updating research, and refining sections.

The Working Groups provided me with a good opportunity to learn about how the Service and Evidence Conventions functionally operate in different jurisdictions, what kind of accommodations need to be made to ensure their smooth operation, and what challenges some jurisdictions may have in relation to the implementation of the Conventions.

## Special Commission on the Service, Evidence, and Access to Justice Conventions.

After CGAP 2024, the internship focused not only on supporting the Working Group meetings but also on preparations for our team's upcoming meeting of the Special Commission. Of note, technology had developed significantly within a decade since the

previous Special Commission, and this was to be a major discussion point for several items on the agenda. Accordingly, there was much discourse surrounding the use of technology and the operation of the Conventions in the preparatory work. The preparation of the agenda for the Special Commission was something I was fortunate to be able to assist with. In particular, I analysed and compiled feedback from the 2022 Questionnaires regarding topics that different States would like to see discussed at the Special Commission. I grouped this feedback into themes which later became a foundation to help build briefing materials. Later, I assisted in drafting the Chair's agenda, with pinpoint references to previous Conclusions & Recommendations, Preliminary Documents, and feedback insights from the 2022 Questionnaires.

The Special Commission met from 2 to 5 July 2024. It was attended by 260 delegates and other experts both in person and online and enabled me to work a second time on the grounds of the Peace Palace. This was the first official meeting of the HCCH with Spanish as an official language. Accordingly, live interpretation was offered in all three languages for the first time. As with CGAP, this was another opportunity for Recording Secretary work available to interns. Luckily, I was given the chance to participate again as a Recording Secretary, where I worked with a team of both native French and native Spanish speakers.



*Figure 7: Post-Special Commission inside the Academy Building*

Regarding the preparatory work leading up to the Special Commission, I was involved in bilateral meetings, collating and analysing feedback, preparing briefing documents for the Chair alongside the agenda, and refining various Preliminary Documents for circulation to the Members and Central Authorities of the relevant Conventions. Two of the Preliminary Documents were the updated versions of the aforementioned Handbooks, which comprised a large proportion of the preparatory work. During my internship, I also worked on various pieces of research including substituted service and the use of technology, refining references and cross-references for both Handbooks, proof-reading, and considering and implementing feedback from various States. In particular, some of the Preliminary Documents I assisted with included *The Use of Information Technology*, *Contractual Waiver and the 1965 Service Convention*, and *Conclusions & Recommendations of Previous Meetings*.<sup>2</sup> In these Preliminary Documents, I assisted with research, drafting, compilation, and refinement.

The preparation work for the Special Commission was something very special to be a part of. It was challenging in parts but incredibly rewarding. Not only was it rewarding to see the results of our hard work, dedication, and passion for private international law, but also to gain new knowledge and skills. It was extremely exciting to see delegates discussing documents that I had helped draft.

Throughout all these major HCCH milestones, a key joy was observing diplomacy in action. The way in which the HCCH is able to help facilitate, and guide nuanced international discussions and arrive at practical conclusions is incredible to observe. I enjoyed watching agreements be met not just during official floor discussions, but also during tea or coffee breaks and receptions. If you have an interest in international diplomacy like I do, this internship not only exposes you to many legal learning experiences, but also to the broader sphere of international relations.

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<sup>2</sup> Name shortened for brevity. Full title: Conclusions & Recommendations of previous Meetings of the Special Commission on the practical operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions.



# Reflections on the Nygh Internship

The Nygh Internship is an exceptional opportunity for those interested in the field of private international law. Dr Nygh's contributions and promotion within the International Law Association and his work within the HCCH, particularly in representing Australia as a rapporteur on the Convention on Recognition and Enforcement of Foreign Judgments, are extraordinary, and still felt throughout the HCCH. I deeply appreciate the opportunity this internship has given me, and will continue to give, to other aspiring students of law.

My love of the international law space will continue to flourish. I applied for the internship as I love the calibre of legal discussions at an international level and wanted to experience it in person. Balancing the needs of entire nations is a momentous task, and it is an astounding achievement that international law has (and will continue to) connect diverse nations across both legal and cultural differences. It was my absolute pleasure to witness this first-hand, and I am thrilled to have contributed to the continued implementation of HCCH instruments that foster cooperation, justice, and legal certainty in cross-border matters.

I highly encourage applications to this internship, and I am more than happy to answer any questions or queries prospective future applicants may have. I encourage you to connect with me on LinkedIn, or email me directly at [leegeorgia123@gmail.com](mailto:leegeorgia123@gmail.com)