

2012 IALL Conference Report: The 31st Annual Course on International Law and Legal Information

JOSEPH A. SEMUGABI*

Introduction

In the Law Development Centre (LDC) Library where I am employed there's a lone copy of the International Journal of Legal Information: Volume 31; No 1 (Winter 2003). Since the institution had never subscribed to the International Association of Law Libraries (IALL) I do not know how this copy came to be in the library. It, however, constitutes my first encounter with IALL. Later on I would get more acquainted with and captivated by this global law library Association. Unfortunately, I would not obtain the much sought after membership leave to attend the annual courses due to financial constraints. Neither did I think I would beat the stiff competition characteristic of applications for international bursaries. I soon, albeit painfully, gave up.

Later, while on a brief visit sponsored by the Netherlands government at the Institute of Advanced Legal Studies Global Law Library in the UK, a Librarian once again got me interested in the IALL and with much encouragement persuaded me to apply for the Professional Development Bursary which is offered by the Association. As luck would have it I was among three librarians who won a bursary.

Professional Development Bursaries

I am forever indebted to the IALL Scholarships Committee and the entire IALL membership for considering me as one of the recipients of the 2012 Professional Development Bursaries with the maximum award of USD\$1,500. I also greatly appreciate the USD \$475 – Conference Registration Fee; the USD \$95 IALL membership for one year (including the Journal) and USD \$27 for meals for two days. This generous award has not only inspired new confidence in myself and renewed my passion for my

* Chief Librarian/Head, Library, Law Development Centre, Kampala, Uganda.

career, it has also greatly improved my standing with my employer and with members of the national law library association where I am President.

Indeed, if I were to be asked what my greatest professional achievement was in 2012, I would not hesitate to declare that it was winning these bursaries generously offered by IALL. For the first time in my professional career I would attend an international conference. It was not simply a matter of visiting North America for the first time. I would also achieve a lot when it comes to professional development and ensure that the library which I head is fundamentally transformed. I had indicated in my personal statement during the application process that the “LDC Library had been overtaken by events and is currently being overhauled to ensure more efficient and effective service delivery using not only traditional means, but also modern methods involving use of IT/ICT. Exposure to new ideas in such conferences may directly or indirectly contribute to the much needed changes we require in our institution to ensure more efficient and effective service delivery.”

If there was any reservation regarding being fully involved in the activities of IALL, with this grant thus obtained, such reservation is no more. I am actually passionately publicizing the Association back home. Even my employer’s attitude changed when I was offered these bursaries. The summarized presentations in my report attracted a lot of interest, especially in the Department of Research, Law Reform and Publications at my institution. My colleagues actually wanted to get full texts of IALL presentations and hopefully they will be obtained. There is no doubt that I will keep attending future courses and subscribing accordingly now that my institution’s interest in the IALL has been stimulated.

The Conference

The conference was organized by the IALL as its 31st Annual Course on International Law and Legal Information. Being held in multi-cultural Canada there was no more appropriate theme than “**Canada: The Cultural Mosaic and International Law.**” The conference was jointly hosted by the University of Toronto and York University, which I understand are two of Canada’s most renowned post-secondary institutions with international reputations for excellence in research. The five day program was held at The University of Toronto’s Chestnut Conference Centre, located in the heart of downtown Toronto, and at York University’s newly renovated Osgoode Hall Law School. The Directory of Participants indicated that 139 delegates registered for this year’s course. Twenty countries were represented, whereby

the USA and Canada had the most numerous delegates, 72 and 32 respectively. The Netherlands had seven delegates, the UK five, South Korea, Australia and Germany three each, Latvia two, and the rest, including India, Turkey, Qatar, Argentina, Hungary, Nigeria, Philippines, Finland, Ireland, Estonia, Uganda and Norway all had one delegate each.

In her welcoming remarks, IALL President, Ms. Petal Kinder, indicated among other things that “the Association was meeting for the first time in Toronto, the largest of Canada’s vibrant urban centers. Situated on the north shore of Lake Ontario, Toronto is the center of Canada’s commercial, financial, industrial, and cultural life, and is the capital of the province of Ontario.” It is here that indigenous people opened trade with the French in the seventeenth century. Toronto was later to pass to British control in 1763.

Speakers at the sessions included some of Canada’s leading legal academics, scholars, legal practitioners and law librarians, with presentations covering topics reflecting Canada’s unique perspectives on international and domestic issues.

The program commenced on Sunday, September 30, and continued to Thursday, October 4, 2012. It kicked off with a welcome ceremony in Osgoode Hall, the home of the Law Society of Upper Canada, which the President most appropriately described as a “beautiful and stately building.” The Law Society of Upper Canada is the oldest and largest of several Canadian Law Societies. By contrast, Uganda has only one Law Society.

The Conference Theme

The Welcome from IALL 2012 Local Planning Committee posted on the IALL Website provided important information about Canada hitherto unknown to me. I understand the Committee chose this year’s theme as a reflection of Canada’s multicultural heritage. It has often be said that Canada is a nation of immigrants. John Murray Gibbon first posited the idea of the “Cultural Mosaic” as part of Canada’s national identity in 1938 in his book the *Canadian Mosaic: The Making of a Northern Nation*. In this text, Gibbon identified Canadian society as being analogous to a mosaic, with each nationality or immigrant group retaining their cultural identity, traditions, and *mores*, but also forming an integral and vital part of Canadian society as a whole. Prime Minister Pierre Trudeau formally recognized Canada’s multicultural nature with the adoption of the Canadian Multicultural Policy in the House of Commons on October 8, 1971. This policy was formalized in

1988 by the *Canadian Multiculturalism Act*,¹ which supports, promotes and protects “the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage” s.² Multiculturalism is also entrenched in the *Canadian Charter of Rights and Freedoms* s 27 which states that the Charter “shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.”³

Academic Programme

The academic program effectively reflected Canada’s multicultural nature and offered the country’s unique perspective and approach on domestic and international issues. Dictated by the “cultural mosaic theme”, topics such as aboriginal laws, Canada’s role and obligations under national and international laws on issues such as polygamy, same-sex marriage, human rights, the environment and terrorism, legal information as well as research were delivered by leading Canadian legal academics, legal practitioners and law librarians. I was to obtain insight regarding issues about Canada, International Law and Legal Information hitherto unclear or all together unknown to me. The following constitute highlights that most caught my attention:

Canada is the world’s most open society to immigration and unlike some European countries continues to endorse diversity and multiculturalism. The concept of *fair inclusion* is demonstrated by Canada’s unflinching commitment to multiculturalism, whereby diversity is accommodated while at the same time dignity and equality is promoted. Through legislation and the courts there is indeed evidence of a concerted effort in this country to consistently uphold fair inclusion. Canada’s brand of immigration and multiculturalism is therefore exceptional and is crucial when it comes to cementing the bonds of membership in a deeply diverse society.

Aboriginal law is apparently still a thorny issue in Canada. The rights of indigenous people in relation to other people still raise political, legal-judicial questions. Since 1890, Canada’s relationship with ‘Indians’ has been via legislation. One key piece of this legislation is the **Indian Act**. This Act describes an Indian person, the form and powers of Indian governments and issues related to Indian lands among other things. There is a modest proposal to reform this Act contrary to the more radical and prominent cries

¹ RSC 1985 c 24 (4th Supp).

² Id. at 3 (1) (a).

³ See, Section 27 of the Canadian Charter of Rights and Freedoms.

for its dissolution. Such reforms suggested include granting powers to determine membership; retaining tax revenue within the home community, and in so doing reduce federal transfers.

Canada legally recognizes **same-sex marriages**. However, there are challenges that same-sex marriages and divorces in Canada present to private international law, especially that many countries including mine (Uganda) do not recognize same-sex marriage.

On the issue of **Canada's Obligations under International Law regarding Polygamy, Women and Children** Justice Bauman, in a decision of the Supreme Court, is quoted as saying that: "the consensus of international treaty bodies is that the practice of polygamy violates various provisions of the treaties that Canada has ratified."

With regard to **Canadian Legal Research/Common Law & Civil Law** I learned that all provinces and territories within Canada, excluding Quebec, follow the common law legal tradition, where sources of law include statutes and case law. The province of Quebec actually has a hybrid legal system consisting of both the common and civil law traditions. It was interesting to know how the two systems co-exist.

When it comes to the **Domestic Implementation of International Law**, we were enlightened on the status of the treaties, customary international law (including *jus cogens* norms) and recommendations from treaty-monitoring within Canadian law.

With regard to the **9/11 Effect: Comparative Anti-Terrorism Law**, we learned the impact of the 9/11 terrorist attacks on law; its effects on the study of comparative law and implications for law schools and law libraries.

On Canada's International Obligations on **Environmental Law**, the delegates were enlightened on recent developments concerning Canada's role in international environmental law and diplomacy with respect to climate change, chemical management, forests, energy and the recent Rio+20 Conference in Brazil; and the impact of Canada's role on the development of international legal principles and Canada law.

The major developments regarding **Canadian Constitutional Law** include the Constitutional Act, 1867 which united the British North American colonies establishing a federal system for the new country of Canada (but minus a bill of rights); and the Constitution Act, 1982, which adopted a bill of

rights and Charter of Rights. Rules and the Charter of Rights were (are) enforced by the Courts through Judicial Review of legislation.

With regard to **Open Access to Canadian Legal Information** it was interesting to learn about the Free Access to Law Movement and the Canadian Legal Information Institute (CanLII). The latter has been a key player in the early and ongoing development of legal information institutes around the world, including my country where we now have the Uganda Legal Information Institute (ULII).

Social Events

The social events effectively spiced up the whole program and introduced us to the various attractions in the wonderful city of Toronto. They also effectively facilitated interaction of a more social nature and I was happy to make acquaintances from Europe, USA and Asia. The events which I attended included the following:

Welcome Reception

The opening reception was at Toronto's historic Osgoode Hall, home of the Law Society of Upper Canada. I understand that this is a venerable structure constructed in the early nineteenth century and constitutes one of Toronto's landmark heritage buildings. Convocation Hall is noted for its beautiful stained glass windows and excellent catering. We were greeted by entertainers in the Canadian style and the most fascinating was the 'Indian' group with their interesting drumming. It was here that I first met the other two beneficiaries of the generous IALL Professional Development Grant and we were duly introduced to the delegates.

Dinner at the CN Tower

On Monday October 1, 2012 we had dinner in the **CN Tower** courtesy of Kluwer Law International. I was privileged to visit this phenomenal structure which I had heard so much about but had never seen in person. I understand that the CN Tower is one of Toronto's most visible and famous attractions. Completed in 1975 as a communications tower, the CN Tower was, for more than 34 years, the tallest free-standing structure in the world. The award winning, revolving restaurant at the top of the CN Tower, 360, provided great food with an amazing view of the city more than 351 metres (1,151 ft.) below. I was able to take a snapshot of the tower as shown below. From up there I was able to see much of Toronto and Lake Ontario.

The second photograph was also taken from this phenomenal Tower and shows some high rising buildings in Toronto.





Dine-Arounds and the Annual Dinner

The “dine-arounds” the following day successfully showcased Toronto’s excellent multicultural cuisine. As for the Association’s **Annual Dinner**, it was located at the Bram & Bluma Appel Salon at the Toronto Reference Library, which I understand is one of the flagship libraries in the city. It was named in honor of Bram and Bluma Appel, philanthropists, supporters of the arts and of libraries. We were informed that the Toronto Public Library System is one of the most used and best loved public library systems anywhere, generally averaging a higher per capita circulation than any other urban library system in the world.

Tours

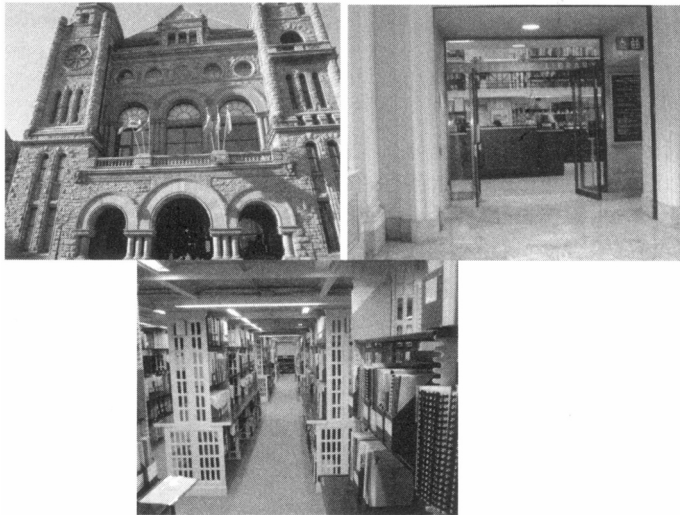
The tours of libraries constituted a much needed exposure to modern libraries from which we can borrow ideas regarding every aspect of library work.

The Great Library, Law Society of Upper Canada

Prior to the welcome reception, a tour was conducted of the Great Library at the Law Society of Upper Canada. The library's primary mandate is to meet the legal research and information needs of Law Society members by providing access to information, documents and services necessary to the practice of law.

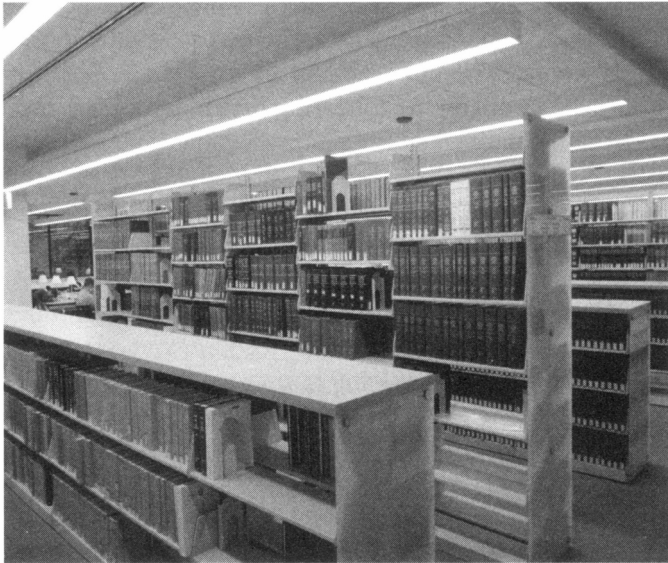
The Legislative Assembly of Ontario & its Library

This is an historic building that was officially opened on April 4, 1893. We were informed that it was designed by the British architect Richard Waite in the Richardson Romanesque style. The Ontario Legislative Library provides research services to members of the Provincial Parliament. Below are photos of this library. The photo to the left is the fascinating entrance to the Legislative Assembly. The photo in the middle is the entrance to the library followed by one showing the impeccably tidy and organized interior of the library.



The Osgoode Hall Law School/Library

We were privileged to tour the 43 year old Osgoode Hall Law School and library which recently underwent a \$50-million renovation and expansion. The building was remarkable and the library simply exceptional. Snapshots below show Gowlings Hall at the Osgoode Hall Law School; the stunning and bright interior of Osgoode Hall Law School – Law Library.



Benefits from the Conference:

Professional Acquaintances and New Friends

This being my first international conference, I definitely benefited a lot. I was privileged to interact and get acquainted with several participants. This was even easier given that I was one of the three beneficiaries of the

IALL Grant. Naturally, everybody wanted to check us out and congratulate us. You can bet that I left with my bag full of business cards as well as contacts of a couple of sales representatives for publishing houses. The Conference gave me the rare opportunity to literally interact with people from almost every continent. This interaction has continued mainly by e-mail.

Literature

I was able to freely obtain the following books which will definitely constitute very informative and educative reading and further ensure my professional development:

- Cass, Fred D. (2012). *Canadian Green Energy Law and Policy*. Thomson Reuters; Toronto, Ontario.
- Fitzgerald, Maureen F. & Barker, Susan (2011). *The Ultimate Guide to Canadian Legal Research*. LexisNexis
- Whelan, David P. (2012). *Finding and Managing Legal Information on the Internet*. 2nd Edition. Thomson Reuters; Toronto, Ontario.
- Canadian Law Library Review/Revue Canadienne Des Bibliotheques de Droit. Volume/Tome 37, No. 3.

I also resolved to obtain the following books authored by some of the presenters to further examine and internalize what was being discussed:

- Professor Ayelet Shachar's latest book, *The Birthright Lottery: Citizenship and Global Inequality* (Harvard University Press, 2009).
- Professor Kent McNeil's book, *Essays on Indigenous Rights in Canada and Australia* (2001).
- Professor Brenda Cossman's book, *Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging* (Stanford University Press, 2007).
- Ms Nancy McCormack's co-authored book, *Updating Statutes and Regulations for all Canadian Jurisdictions* (Carswell, 2012).
- Professor Kent Roach's book, *The 9/11 Effect: Comparative Counter-Terrorism* (Cambridge University Press, 2011).

Publishers' Contacts

I was able to get contacts of the following publishers with whom I hope my institution shall transact business in the future: Hein Primus Inter Pares (<http://home.heinonline.org/>); Wolters Kluwer – Law & Business (<http://www.kluwerlaw.com/>); Justis Publishing (<http://www.justispublishing.com/>); Oxford University Press; and Law

Library Microform Consortium (LLMC). These contacts are crucial since our library usually receives donor funding to replenish its stock.

New Ideas for Our Association and Law Libraries

We could learn from the way IALL runs its affairs, particularly the annual courses; as well the management and organization of libraries thus toured. Among other things, the following areas were of particular interest:

- I noted that the IALL conference had sponsors. We could also link up with some publishers in our region for possible sponsorship of some of the activities of our young Association, that is, the Association of Uganda Law Libraries (AULL);
- I noted that several legal scholars and professors were among the facilitators. It was not just law librarians as we do it in my country. Lawyers and legal scholars can also facilitate in our law library conferences/trainings, making it a more enriching academic experience.
- Fond Collection at York University was also an eye opener, especially because this is something that we do not do in my country. Records documenting the personal and professional experiences of influential individuals can be collected and archived as is the case with those of Donald (Don) George Simpson at the York University Library.
- There was much to learn from the libraries thus toured. Library buildings should be well designed and appropriately functional structures that cater to every aspect of professional operations including ample shelving space, comfortable seats, computers and accessories, processing, photocopying and self-service equipment, special collections as well as ample reading space. The structures should allow in as much natural light as possible. They should also allow for personal and group reading (discussions). And the rooms (floors and walls) should be able to absorb sound as well as being impeccably tidy, providing the ultimate conducive reading experience. Of course, the use of information technology is part and parcel of modern, progressive libraries. This is what I saw and this is what we should increasingly adopt back at home.

Impressions About Canada

There is no doubt that Canada is the epitome of multiculturalism and diversity. This is evident in their legal system, policies and cities, especially Toronto. Even the Planning Committee for this year's IALL Course was

reflective of this fact whereby it constituted a mixture of cultures from Africa, America, Europe and Asia.

To be in Canada, no matter your origins, is therefore to feel at home. There is actually no way you can visit Canada and not be tempted to immigrate. The only challenge is that it is a rather cold country. This time round when we visited the temperatures averaged 15.6⁰C compared to our 27⁰C in the tropics. I wonder what the situation would be during winter!

Toronto – the Conference City

I understand from the Conference Booklet⁴ that “Toronto is one of the most multicultural cities in the world. 74% of Torontonians (15 or older) are first or second generation immigrants, while only 26% of the population (aged 15 or older) were born in Canada to two Canadian-born parents. This diversity is reflected in the neighborhoods, various communities and the society as a whole.” Personally, I have several relatives who immigrated to Canada and reside in Toronto, most of whom I was able to interact during this visit. They told me that hundreds of Ugandans had actually settled in Canada.

Information I gathered about Toronto and ascertained by the actual experience of my visit is that it is Canada’s most cosmopolitan city, situated on beautiful Lake Ontario. I was able to see part of this beautiful lake from the CN Tower. Toronto is the cultural heart of south central Ontario and of English-speaking Canada. It is noteworthy that the heart of the city is adorned with millions of plants and trees alongside hundreds of low and high rising buildings. This is an amazing balance between the natural and the man-made structures. The retail sector is enormous, with several shopping centers in and around the city. I did some shopping on Bloor Street where you find the finest retail and boutiques. Unlike our cities in the third world, Toronto is a well planned urban Centre, impeccably clean, a good road network with no pot-holes and with very low levels of pollution, if at all.

Proposal

During an interaction with Mr. Jules Winterton, a past President of IALL, he wondered whether in the future an annual conference could not be organized in Uganda. He may have been joking, but I took it very seriously

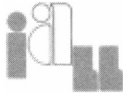
⁴ The source given in the said booklet is: Immigrants in Canada’s Census Metropolitan Areas – Grant Schellenberg, Statistics Canada. From http://www.toronto.ca/quality_of_life/diversity.htm.

and I have not stopped thinking about it ever since. Whereas I am yet to know the criteria used for selecting a country to host an IALL Conference, I propose that it is also now time to think of Uganda as a possible future host. There is need for law librarians around the world to learn about the developing worlds' approach to and perspectives about International Law and Legal Information. This could constitute a very interesting discussion.

Future conferences should also ensure that we go away with copies of the presentations. On discussing my experiences with my workmates they very much wanted to have a look at the full texts of the presentations which they considered very resourceful. I, however, stand to be advised on these issues thus raised.

Concluding Remarks

There is no doubt that the 31st Annual Course on International Law and Legal Information was an exceptional event. It was an outstanding learning and networking experience. The program was well balanced with both academic and social activities as well as tours that contributed to my understanding of Canada. For a first-time visitor to this great first world country, such arrangement was invaluable and simply a memorable experience. Neither could one come here and fail to make acquaintances at both a professional and social level. The facilitators, balanced between accomplished legal scholars and law librarians, undoubtedly contributed to professional development and ensured that we left with enough knowledge to understand the approaches to international law and legal information by a first world country. Of course, as someone from the developing world, there is so much to learn from the developed countries like Canada. The conference was worthwhile in this regard as well. The exposure, albeit brief, was beneficial in every aspect. It is very interesting that having returned home and shared the experiences and benefits from this conference with my employer, who could hear nothing of this before, agreed to budget for my attendance for the same course next year! All in all, the conference did not involve just hearing about the significant and unique legal aspects of Canadian law, but also experiencing the art, architecture and the natural beauty of Southern Ontario.



**INTERNATIONAL ASSOCIATION OF
LAW LIBRARIES**

***31st Annual Course on International Law and Legal
Information***

**CANADA: THE CULTURAL MOSAIC AND
INTERNATIONAL LAW**

***Faculty of Law, University of Toronto and Osgoode
Hall Law School, York University, Toronto,
Canada.***

September 30 – October 4, 2012

