

IALL 2013 Conference Report: The 32nd Annual Course on International Law and Legal Information Barcelona, Spain 15–19 September 2013

EUGENE HSUE*

The Setting: Barcelona

The 2013 IALL Annual Conference in Barcelona will be an extraordinary professional highlight for me and my peers, for many years to come. This conference combined top-notch programs and informal get-togethers, in a city surrounded by phenomenal Catalan cuisine and architecture. The warm and attentive hospitality of our Catalan hosts complemented a fusion of *haute* culture and premium legal content.

Thanks and Acknowledgements

First, I would like to express my gratitude to the IALL Scholarships Committee for their generosity in awarding me a Professional Bursary. Without this, my attendance would not have been possible. I would especially like to thank specific Executive Board members, including Petal Kinder, Jules Winterton, Ruth Bird, and Barbara Garavaglia for their warm hospitality. During the refreshments after or before certain events, each of them took the initiative to welcome me to the Association. I also enjoyed conversations with Jeroen Vervliet, Vicenç Feliú, Mark Engsborg, Daniel Boyer and Bård Tuset, which were filled with insight and good humor.

Personal Highlights

As a first-time attendee, I would like to write about the professional and cultural highlights which impressed me the most.

* © 2014 Eugene Hsue. The author is Foreign, Comparative & International Law Librarian at the Temple Law Library, Temple University Beasley School of Law in Philadelphia, Pennsylvania.

Professional

The University of Barcelona hosted outstanding program content. There, I learned a great deal about the rich and distinctive legal tradition of Catalonia, legal and historical reasons supporting Catalonian independence, and subject-specific areas of law. These areas included: the rights of same sex couples; the default rules of intestacy; conflicts of law principles between Catalonian regional law and Spanish law; and the right to habitation. The panelists carefully analyzed each subject matter under Catalonian law, Spanish law, and at times, EU law.

During the conference, many informal get-togethers took place outside the conference program. Here, we had the opportunity to deepen our acquaintance by trading stories about librarianship, pets, or children. We exchanged collection development advice and research tips. I gained valuable lessons from observing the interaction between vendors and librarians in these warm and casual encounters.

I became acquainted with some fantastic Catalan and Spanish colleagues. David Aznar introduced me to *espárrago blanco*, a wonderful dish of white asparagus native to his region of Navarre. Noemi Cué described the global reach of Santander, a banking enterprise native to her hometown with the same name, a small port city in Cantabria. And Adelaida Ferrer introduced me to Synera, a wonderful red wine local to Catalonia and originating from the hometown of the great Catalan poet, Salvador Espriu.

Cultural

Our planned itinerary took us to buildings whose sheer beauty surrounded us. For example, our opening reception was held at the Historic Building of the University of Barcelona. Here I am pictured in a hallway there:

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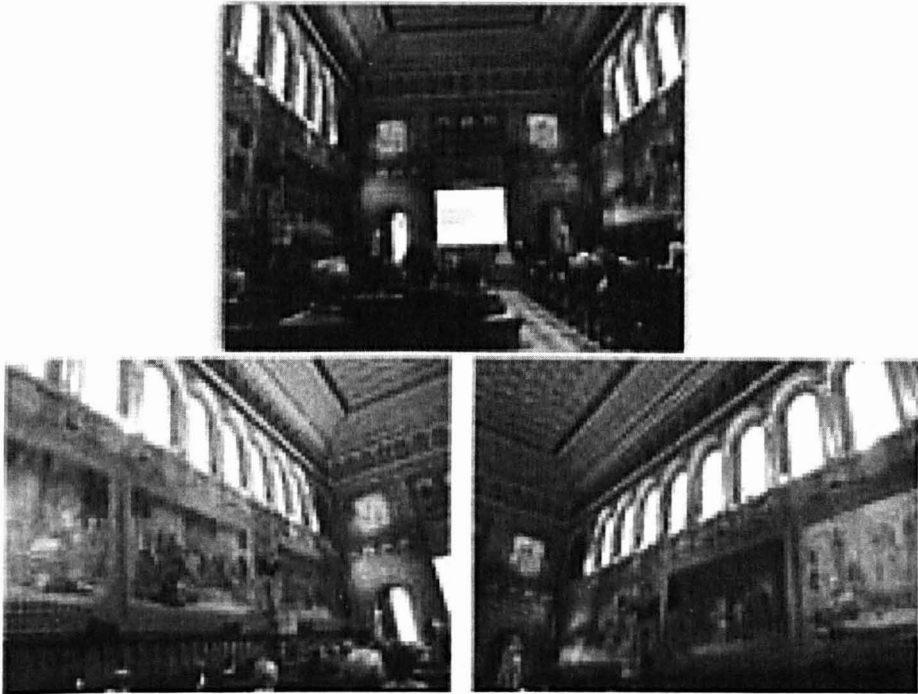
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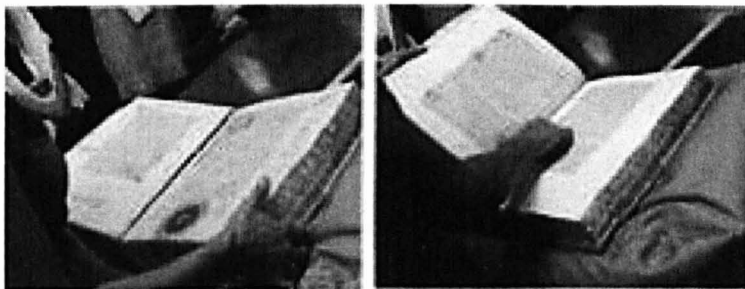
The author at the Historic Building of the University of Barcelona

Ms. Petal Kinder, the current IALL President, gave us a warm welcome on Sunday, September 15th. We then had our very first session entitled “From Legal Compilations to Legal Codes: a Catalan Legal History,” delivered by Professor Oriol Oleart. Below is a picture of Dr. Oleart lecturing in the *Paranimf*, a magnificent meeting room in the Historic Building.



As one can see, large paintings of what seem to be Catalan monarchy adorned the left and right of this meeting room. You can see a full virtual tour at <http://www.ub.edu/museuvirtual/visitavirtualEH/>. This visual setting complemented Dr. Oleari's lecture on Catalan legal heritage well.

After the lecture, our Catalan hosts arranged a viewing of the University of Barcelona's Rare Book and Manuscript Library. They divided us into three groups and showed us some amazing material. Below is a 15th-century manuscript containing the philosophical works of the Roman philosopher, Seneca.

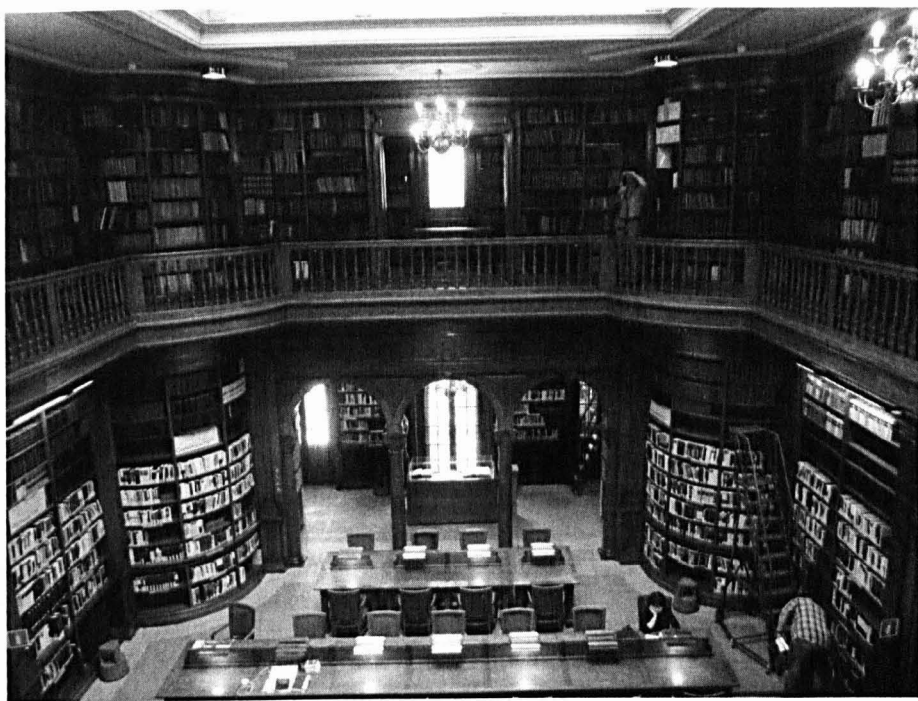
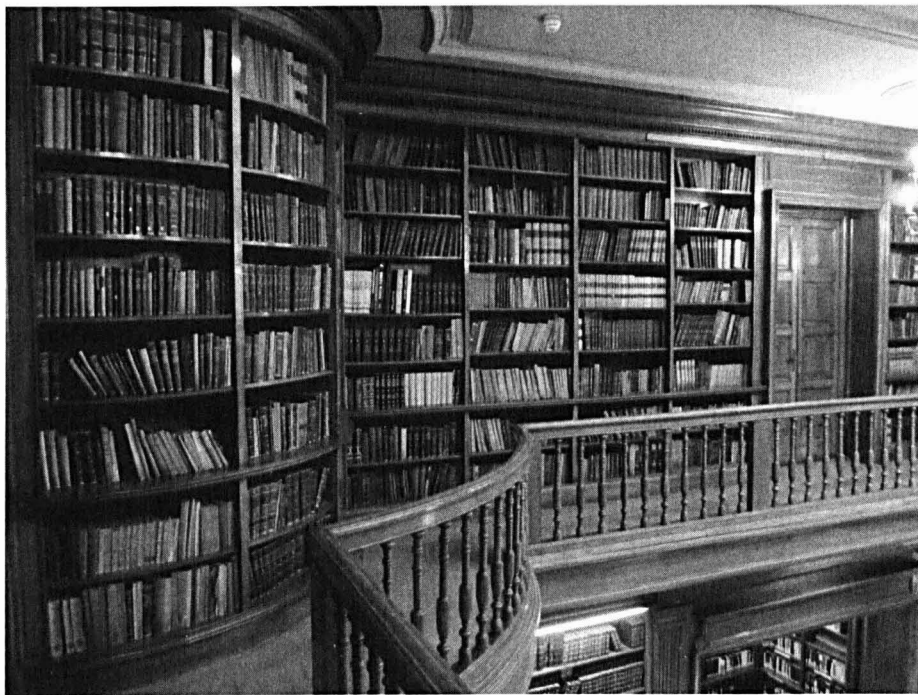


You may see the digitized version of this text at <http://emuseumplus.ird.ub.es/eMuseumPlus?service=ExternalInterface&module=collection&objectId=881167&viewType=detailView>. Afterwards, we enjoyed a buffet dinner reception-style in the courtyard.

We also watched traditional Catalan dance performances in the main lobby.



The itinerary which followed continued to impress, with visits to the Barcelona Bar Association, the Parliament of Catalonia, and Montserrat and Mon San Benet. The space in this brief essay constrains a photographic display of each destination. However, I would like to leave the reader with this series of photos from the impressive Library of the Barcelona Bar Association.





Academic Program

*Catalan Law in the Spanish Context: Autonomous Communities*¹

Professor Markus Gonzalez Beilfuss presented a lucid picture of the Spanish constitutional landscape. Following the death of Franco, Spain set forth a new constitution in 1978. Using many maps, Professor Beilfuss described the rich ethnic and linguistic diversity within Spain's many distinct regions. Therefore, he described Spain as a "multi-unit state," where eighteen different legal systems coexist.

Strictly speaking, there does not exist a hierarchy between the Spanish state and autonomous states. Rather, different "competences" pertain to different legal regimes. Under Article 149.1 of the Spanish Constitution, the Spanish state has exclusive competences which include nationality, immigration and asylum law, labor legislation, and copyright and industrial property. Under the 2006 Autonomous Statute, Catalonia has competences which include education, Catalan as its own language, and its regional civil law. However, under Article 149.1 of the Spanish Constitution, there do exist "shared legislative

¹ I thank Professor Markus Beilfuss for graciously sharing his presentation notes with me.

competences” between the State and Autonomous Communities, such as: credit, banking, and insurance law, health law, and Social Security law.

*Catalan Law in the European Context*²

Professor Mar Aguilera-Vaqués discussed the relationship between the EU, Spanish, and Catalan legal regimes. As an example, she cited a recent determination by the European Commission,³ finding that the Catalan Cinema Dubbing Law (2010)⁴ was incompatible with EU rules on the free movement of services.⁵ Professor Aguilera-Vaqués explained how Spain’s joining the EU caused Spain to cede powers to the EU. Therefore, in theory, the Catalan Autonomous Community may have ceded some powers to the EU. However, over the years, the Spanish Constitutional Court (*Tribunal Constitucional*) has articulated a jurisprudence which asserts that Spain’s joining the EU cannot imply any weakening of the structural principles which underpin the Spanish Constitution. Therefore, the question becomes: Which actor must implement EC directives? Will it be the Spanish federal state, or the Catalan Autonomous Community? The answer to this question hinges upon whether the subject matter of that directive falls within the enumerated “competence” of the State or that of the Autonomous Community under the Spanish Constitution.⁶

Professor Aguilera-Vaqués’ presentation helped clarify the tangled relationship between EU, Spanish, and Catalan law.

Same-Sex Couples in Spain and Catalonia

Professor Mónica Navarro-Michel spoke on the legal regime governing same-sex couples. First, she noted that, at the Spanish federal level, the “stable partners” regime governs both same-sex and heterosexual couples. The primary instruments are: (a) Law 10/1998 of 15 July (what constitutes a stable partner union); and (b) the Family Code Law 9/1998. She noted that both Spanish and Catalan law have yet to expressly recognize rights of same-sex couples. However, she did note that the 2006 Catalan Statute of Autonomy (*Estatuto de Autonomia de Catalunya*) promoted equality of couples, regardless of sexual orientation.

² I thank Professor Aguilera-Vaqués for sending me her presentation notes.

³ European Commission, Press Release, 2012-06-21, http://europa.eu/rapid/press-release_IP-12-663_en.htm

⁴ Ley 20/2010, de 7 de Julio, del cine (BOE, 7 de Agosto de 2010).

⁵ Article 56 of the Treaty on the Functioning of the European Union.

⁶ This doctrine is called *ratione materiae*. The citation for this Spanish Constitutional Court Case is STC 252/1998.

Conflicts of Law Among Spanish Legal Systems

Professor Cristina González Beilfuss discussed the conflicts of law system between Spain and its Autonomous Communities. She reminded us that, under Article 2 of the Spanish Constitution, certain regions or “communities” have the “right to autonomy.” These include Catalonia and the Basque region. These Autonomous Communities thus may legislate within certain “competences.” She described the situation between the legal regimes of Spain’s seventeen Autonomous Communities as one of “non-unified private law.” In order to illustrate her point, Professor González Beilfuss employed the example of the law governing matrimonial property. If a couple where both persons were originally from Barcelona married in Brussels, then in the event of divorce, which Autonomous Community’s law would govern their matrimonial property? Under Article 9.2 of the Spanish Civil Code, the law governing that matrimonial property would hinge upon their “civil citizenship” (*vecindad civil*), which here would be the law of Catalonia. Other connecting factors include the first common habitual residence and the place of the marriage celebration.

Could Catalonia Become Independent?

Professor Josep Reniu gave a humorous and passionate presentation on the question of Catalanian independence. He reviewed the last thirty years of the relationship between Catalonia and Spain. He also discussed the passage of the 2006 Catalan Statute of Autonomy, which was approved through referendum by eighty percent of Catalan who had voted. Professor Reniu did concede that only fifty percent of registered voters had turned out in 2006. He noted that, under Spain’s Referendum Law 4/2010, a future referendum on the question of independence would need the authorization of the Spanish federal government. [As of April 9, 2014, the Spanish Parliament has rejected request by Catalan authorities to hold a referendum on Catalonia’s independence: <http://www.bbc.co.uk/news/world-europe-26949794>]. Professor Reniu also hinted that one reason why Spain may not want Catalonia independence is because Catalonia produces twenty percent of Spain’s GDP.

Concluding Remarks

The 2013 IALL Annual Conference in Barcelona combined substantive law, collegial relationships, and phenomenal cuisine in a vibrant city filled with color. I would like to express my utmost gratitude to the Scholarship Committee for permitting my attendance. I wish my newfound friends and colleagues a hearty return to Buenos Aires in 2014!



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Barcelona, 15-19 September, 2013

Catalan Law and Legal Information in a Global Context



15-19 September 2013

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