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Volume 1

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"The GLIN Effect"

*Keynote Address, Annual Meeting,
Global Legal Information Network
Elizabeth Andersen
Executive Director, American Society
of International Law
September 6, 2007*

I am so pleased to be here tonight and to be honored with the invitation to give this address. Anyone who is willing to listen to me on the topic knows that I am GLIN's biggest fan. And that is because I believe that the idea of GLIN, and your hard work to realize it, to build this legal network, are at the core—are indeed critical to—some of the most interesting and important developments in the legal field today. What I would like to do this evening is highlight for you three ways in which I see law evolving and the critical role that GLIN can play in that process—what I'd like to call "the GLIN Effect."

The first trend I would like to flag is the hyper integration and hybridization of law today. As globalization erodes borders, integrates our commerce, and eases our travel and communications, law too is on the move. We see jury trials popping up in formerly inquisitorial legal systems while adversarial systems



explore the benefits of greater use of documentary evidence. The commercial area is likewise witnessing significant convergence, as different jurisdictions seek to win trade and investment by providing business with a familiar and friendly regulatory environment. Legal borrowing abounds. Of course, law has long been an avid traveler, be it in the suitcases of 19th century colonial powers or modern-day development advisors. But something new and very positive is happening, and GLIN is in a position to play a critical role. What's different is that access to

information about different legal models, different legal solutions, puts local reformers in the driver's seat in choosing the models that best suit the particular needs of their system. It is widely accepted in the development field that legal reform is most likely to seed and be successful if there is local ownership, it meets local needs, and accommodates local tradition and culture. There's a good anecdote popular among development experts—and frankly, I don't know if it's a true story or not—but it proves the point: An earnest western legal
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From Your Perspective...

Would you like to share your GLIN Station's successes or challenges? Do you have promotional ideas that would help other stations? We would like to make your contributions part of the GLIN Global Journal. Please send your story and photographs to: LBUC@LOC.GOV. *The deadline for the December issue: November 9, 2007.*

Field Focus

2007 Model Station Awards

By Janice Hyde

At the closing dinner to the 14th Annual GLIN Directors' meeting, GLIN Executive Council Chair Rubens Medina presented two GLIN Model Station Awards for 2007. Preceding the presentation of awards, he reviewed the criteria for receiving the honor. It is given to members that: are adhering to all GLIN standards



for quality of the summaries and full texts; have a fully staffed and a fully functional station; have maintained a current and complete file for at least one category of legal information in GLIN for at least one year; and have engaged in other activities on behalf of the Network such as promotional efforts, technical assistance, or training.

The first model station award was presented to Paraguay. In his remarks, Medina noted that Paraguay is a long-standing member of the Network. A team from Paraguay attended GLIN training in Washington in 1999. The Director, Stella Chenu, has worked diligently over the years in spite of staff turnover and often with a lack of support from her superiors. In addition, they have had to cope with the erratic publication of the official gazette. Over the past 18 months Paraguay's GLIN team has made enormous strides in improving both the quality and quantity of information contributed to GLIN. Most recently, they have determined a method to include texts of laws that have not been published in the official gazette thus



supporting one of the primary goals of GLIN—to make laws accessible to citizens of the nation and to the global public.

In addition to their contributions to the database, they have been actively engaged in promotional efforts. They are in the process of negotiations with both the Supreme Court and a law school to incorporate additional legal materials into the database. Accepting the award on behalf of GLIN Paraguay was its Director, Stella Chenu. She thanked the members of the Network and GLIN Central for the award. She also thanked the members of her GLIN team and was joined on stage by Carmen Caceres, the Legal Analyst for GLIN-Paraguay.

The second model station award was presented to Mexico. Medina noted that is one of the "charter" members of GLIN and helped to test the first transmission of data to GLIN Central in 1991. The Mexican GLIN station is located in a research support unit of the Congress and has also experienced many changes in personnel and uneven support from the Congressional committee charged with its oversight. Over the past 18 months, however, as the result of an especially dedicated legal analyst and a committed Director, the station has contributed information in both a timely manner and according to GLIN quality standards. For the year 2007, the station has contributed 350 laws with summaries in English and Spanish as well as 31 judicial decisions.

Thalia Rodríguez Soria, Legal Analyst for GLIN Mexico, accepted the award on behalf of



her station. She also thanked the GLIN Network for the honor.

Central

*A message from
Dr. Rubens Medina...*

It is always such a pleasure to see the Directors in person at least once a year. It gives real meaning to the cooperative network character of our organization. This is very important. Members must be sure that the organization depends on their presence and contributions.

I place special attention and interest in making sure that members are reminded, as frequently as possible, of the fact that our network is a real association of individuals and organizations willing to work together and share the resulting benefits.

The spirit that moves us is based on the conviction that we are dedicated to the cause of serving our governments and peoples. Open access to laws and related sources are a primary necessity to our peoples within the democratic principles of our legal systems and it is, therefore, the duty of our governments to provide such open access. Additionally, living as we are in a global community in which mutual dependence and reciprocal interest are perhaps the most salient features of the time and place we share, it is very important that we offer the most accurate and complete image of our legal systems. The global community looks for opportunities to conduct transactions across national boundaries. We are all working for wider channels of communication to promote peaceful and productive international relations within the framework of the rule of law.

It is a noble, constructive and peaceful cause. It is my hope that we are all truly convinced of the role each of us play and so deliver the product of our performances.

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development advisor traveled to a developing country in Asia bearing several copies of the US Uniform Commercial Code to share with his counterparts in that country, hoping that they would use it as a model for their own commercial law. He gave a copy of the code to his counterparts one day, and the next day, they came to him asking for more copies. He was delighted and quickly gave them all he had. And then he asked his counterparts in the ministry what they intended to do with the copies and they confessed that it was to use the blank side of the paper, as they were experiencing a paper shortage.

The introduction of wholesale reforms, imposed from outside, without appreciation of the local legal culture, regulatory environment, and implementation capacity simply doesn't work. Development experts recognize this fact and typically emphasize that their approach is responsive to local interest and needs. While nice enough in theory, this is extremely difficult to accomplish in practice.

As a practical matter, the advice of most international development advisors is to adopt an approach that approximates their own national system, because this reflects a bias or agenda of the development agency that's paying their bills or is simply what they know best. Even those who make a concerted effort to learn about a variety of models and share that learning with legal reformers, may inadvertently convey a preference for their own system. The result is often difficult to implement because the responsible national officials haven't bought into the reform or it doesn't fit with their local realities.

I was involved in a legal reform effort in Bosnia in which the new criminal code developed with UN and EU assistance ended up so closely approximating the Finnish system known best by the Finnish advisors who helped write it that when we wanted to train local lawyers and judges to implement it, we found we had to bring in Finnish experts to explain it to all of us. The beauty of GLIN is that it sidelines the international expert advisor and empowers local reformers—legal borrowers the world over—to investigate different legal solutions, consider their options, adapt them to their own needs and realities, and thus develop their own new approach. This is a recipe for effective legal reform, the development of hybrid solutions that work, and GLIN is a key ingredient.

The second legal trend that I would like to flag is the massive internationalization of law. This is not just the self-serving observation of the Executive Director of the American Society of International Law! In the past two decades—with Cold War barriers to international agreement removed and a globalized economy demanding globalized rules—we have seen a dramatic growth in our field—its subjects, agreements, and practitioners.

This is good news for ASIL and its Electronic Information System for International Law (or EISIL—a database of international laws), but what does it mean for GLIN—which is after all primarily a system for information about national laws throughout the world. There are three ways in which I see GLIN contributing to the internationalization of law.

First, GLIN can help define the agenda for international clarification and codification. Addressing a meeting of the American

Society of International Law last year, Microsoft General Counsel Brad Smith described the very complex process of obtaining antitrust clearance for its new Vista software, requiring them to negotiate with regulators in dozens of countries, each of which had a different approach and many expecting their approach to apply globally. The challenge for corporations like Microsoft trying to operate on a global basis is enormous and can only be met through the increased international convergence and even internationalization of regulation. GLIN offers a databank from which such disconnects—or conflicts—in domestic regulation can be identified and an agenda for international harmonization can be developed. So GLIN can play a critical agenda setting role for the internationalization of law.

Second, by including international organizations within the GLIN network, you help disseminate information about the international legal solutions they advance.

Third, and perhaps most importantly, GLIN's information about domestic implementation of international agreements is critically important to the internationalization of law. This is because international agreements are often by necessity articulated at a level of generality that only gets us so far in terms of securing a common approach to solving legal problems. It is in their implementation, through domestic legislation, regulation, and judicial interpretation, that their meaning takes shape.

“something new and very positive is happening, and GLIN is in a position to play a critical role.”

The internationalization of law is not a process that ends with the conclusion of a treaty. Rather, that is the beginning, upon which follows an iterative process of implementation across legal systems. Ensuring a common

approach requires the kind of information about domestic implementation that only GLIN can provide. Even the most vehement of opponents to looking at foreign law—US Supreme Court Justice Antonin Scalia—says we have to look at foreign law when interpreting international agreements. Otherwise conflicting approaches to their implementation renders the agreements meaningless.

In sum, GLIN can play a critical role in the internationalization trend: it helps set the agenda for international harmonization, by enabling us to flag divergence in domestic practice; it helps disseminate information about international norms once established; and it helps ensure a common approach to implementation of international agreements, where internationalization really becomes effective.

The third and final aspect of the “GLIN Effect” that I would like to highlight tonight is what I would describe as the “democratization of law.” By this I refer to a general trend the world over toward greater transparency, accountability, and participation in the making, implementation, and enforcement of law.

Research abounds that underscores the importance of the rule of law to economic development. Most compelling for me have been the World Bank “Voices of the Poor” studies, in which they asked 60,000 poor people the world over what it was like to be poor. The findings are quite interesting, and for our purposes, what is striking is the importance of legal empowerment. In country after country, poor people told the World Bank investigators that what was most difficult about their

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poverty, what kept them from lifting themselves up, was not the lack of money, or poor health, or inadequate food or shelter—though those elements were certainly there—what kept them down was their lack of security and enjoyment of legal rights: that they did not have the right to own property or move to where the jobs were; that they had been discriminated against in school; that governmental corruption had compromised their business efforts; that the lack of security made it impossible to fetch clean water or seek health care in a neighboring village.

Against such a backdrop, in my legal reform work, what I often found were the most effective assistance programs were perhaps the easiest—simply to publicize the law, to make known to people what their rights and obligations are, what the rights and obligations of their governments are, so that they could realize those rights, comply with their own legal obligations, and hold their governments accountable. Such information alone is often not enough to legally empower the poor, but it is essential.

Making such information available is not just good for a country's citizens, it also helps those interested in doing business in the country. I ran a relatively small development assistance organization, but with operations in 27 countries, just getting the information we needed to comply with local labor and registration requirements was a full-time job. The challenge is substantially larger—in some cases insurmountable—for major corporations.

Here again, there is the potential for a very important GLIN Effect—particularly through your recent efforts to make GLIN information publicly

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available. I those GLIN who have for public encourage remaining to ranks. I did comparison of

the list of those countries participating in GLIN's open access initiative, Transparency International's Transparency Index, and the World Bank's data on heavily indebted poor countries. It is not surprising to find that GLIN open access participants tend to be in the upper half of the TI transparency rankings. They also tend not to be heavily indebted poor countries; and those that are, have demonstrated the good governance required to qualify for debt relief. Making legal information widely available through GLIN should be a part of any effective development strategy.

Let me conclude by recognizing the hard work that you all do—day in day out and together here this week—to make GLIN possible. It is an ambitious endeavor, complex in its design, painstaking in its maintenance, I know. But I hope that if I have done anything tonight, it has been to underscore what you certainly already know—that it absolutely worthwhile. Today we are witnessing dramatic changes in the law, its substance, its scope, its jurisdictional reach, and the way in which people interact with it. We are seeing the hybridization of law, the internationalization of law, and the democratization of law. Globalization is driving these trends, demands them, and the GLIN Effect can be a powerful in shaping them.

Thank you for having me this evening. Please accept my admiration and best wishes for your work this week and in the future. ✦

Editor's Note



Greetings from GLIN Central,

We have just wrapped up the 14th Annual GLIN Director's Meeting. It was a great pleasure to be part of the activities and meet GLIN station staff from all points of the world. This premier issue of the GLOBAL JOURNAL is a direct response to the requests of GLIN members for a newsletter that would serve as a center of communication and support. I am very excited about my role as editor and the opportunity to make this newsletter a true reflection of the people that are at the heart of GLIN.

We will have a number of regular columns:

- **Field Focus**—A featured GLIN station article. We welcome your input about your station's activities. Please include photographs!
- **Letters to the Editor**—This is your opportunity to communicate questions, suggestions and challenges. I will be facilitating this column frequently to assure that it is current and active.
- **GLIN Central**—Updates and information from GLIN Central. This month we feature a message from Dr. Rubens Medina.

Other columns that will be in future issues:

- GLIN Foundation Report
- Technical Updates
- GLIN Membership

Most importantly, this newsletter serves the GLIN stations. If you have a suggestion or would like to contribute your story, please do! This is a “living document” and will likely experience some changes as we grow. Our goal is to develop an interactive, web-based publication. I will keep you posted on our progress.

I look forward to working with you and assuring that the GLOBAL JOURNAL is a vital resource for communication between GLIN participants.

Best Regards,
LeeAnne Buckley
Editor
Lbuc@loc.gov



Photos

14th Annual Director's Meeting



Ugandan representatives attend their first GLIN Director's meeting.



Laurence Andre' (L) & Rosemary Noona (R) display the flag of their institution.



Elizabeth Anderson, joined by her husband, visits with GLIN Foundation members, Joe Pelton (l) and George Spina (r).



Thalia Rodriguez Soria from Mexico with Sandra Sawicki, GLIN Central.



(L to R) Members of the GLIN Executive Council: Guillermo Castillo, Maurice Nyamugabo Mpova and Dan Chirita.



Attendees of the 14th Annual GLIN Director's meeting gather to celebrate a successful meeting.



Judge Amr A. Gamal Eldine from Egypt, a pending member of GLIN, converses with Dr. Rubens Medina.



Julieta Volio Guevara (R) and Isabel Zuniga Quiros from Costa Rica speak with Dr. Rubens Medina.



Congressman Marco Coronado Silva (L) and Miguel Alvarez Galvez from Guatemala.

Send your story and photos to: Lbuc@loc.gov Deadline for the Dec. Issue: Nov. 9, 2007