From the Editor
by Dan Wade

This issue previews the 1987 AALL Annual Meeting. A review of the program shows foreign, comparative, and international law to be flourishing within AALL. The Meeting's pertinent programs, coupled with the IALL pre-meeting course and the SIS post-meeting workshop, provide a superlative educational experience for the librarian interested in foreign and international law. In addition, the Meeting is an excellent forum for meeting old friends, and making new ones.

The editor would like to thank those who have contributed to the creation of this issue and especially Marta Tarnawsky for her article on the Hague Rules. To those who have shared items of news, a special thank you.

The editor would like to offer a personal expression of gratitude to Linda L. Thompson for both her leadership and patience during the past year. The Foreign, Comparative and International Law SIS continues to grow and develop. By the participation of each member, it will continue to do so. I look forward to seeing you in Chicago.

New Appointments

- Ellen Schaffer, Chair for 1987-88 would like to announce the following appointments:

  -- L. Kurt Adamson, Southern Methodist University Law Library, Editor of the SIS column in the AALL Newsletter

  -- Dan Wade, Yale Law Library, editor of the SIS Newsletter;

  -- Jonathan Pratter, University of Texas Tarlton Law Library, Chair, Clearinghouse for International Placements.

Let's Eat Together!!!

One of the highlights of last year's meeting for the newsletter editor, an ordained Anabaptist minister big on community, was SIS members sitting together at the opening luncheon. Can we do it again? In the context of Professor Laurence H. Tribe's presentation, it will be fun to hear about the IALL courses on "Crossroads in Comparative Constitutional Law Development" and whatever else is happening in your lives.

Meeting Highlights:

Sunday, July 5th

- LALL (Latin American Law Librarians), 10:00-11:30 a.m. (Columbian Room)

- SIS Meeting, 2:00-4:00 p.m. (Toronto Room)

Monday, July 6th

- Opening Luncheon, 12:30-2:15 p.m.

Tuesday, July 7th

- Reception for panelists of program, Chinese Commercial Law for the Non-Specialist, 12:30-1:30 p.m. (same room as program)

- Chinese Commercial Law for the Non-Specialist, 1:30-3:00 p.m.

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U.N. Publication News

Britt Kjolstad-Erlandsson, Legal Librarian at the Dag Hammarskjold Library of the United Nations writes to inform us that the latest editions of Multilateral Treaties Deposited with the Secretary-General Status as of 31 December 1986 has recently been published by the United Nations. The sales number is E.87.V.6 and the symbol ST/LEG/SEG.E/5.

Going to Atlanta in 1988?

Are you planning to attend the 1988 meeting in Atlanta? The Program Committee (not yet formed) will need your input as to what topics you would like to hear addressed in the 1988 SIS programs. Or, you may want to volunteer to chair a program next year. Please send your ideas to Ellen Schaffer, Georgetown University Law Center, Fred D. Dennis Law Library, 600 New Jersey Ave., N.W., Washington, D.C., 20001.

1987 Workshop: The European Community and the Law

John Strzynski advises us that there may still be a chance to get into the SIS post-meeting workshop, if you have not already registered. If you are interested, please contact John at IIT Chicago-Kent Law Library, 77 South Wacker Drive, Chicago, IL 60606 (312) 567-5234.

Further Note on the Iran-U.S. Claims Tribunal

Janet S. Zagarin, Library Director, Baker and McKenzie, New York, adds a postscript to Fred Chapman's article in our first issue. WESTLAW will add to its library the decisions of the Iran-U.S. Claims Tribunal. This is scheduled to happen during the third quarter of 1987.

LIBRARIAN WANTED

FOREIGN AND INTERNATIONAL LAW LIBRARIAN: University of Houston Law Libraries seek a librarian to manage the Foreign and International Law Library. Duties include collection development, preparation and implementation of services, policies and budgets, reference and bibliographic work within the department and general reference work, external relations, planning for library technical services, and instruction in legal research. Qualifications: JD or foreign equivalent; ALA-accredited MLS or equivalent; substantial experience in an academic or research library; fluency in Spanish, demonstrated ability to interact effectively with faculty, staff, and students; knowledge of the book trade. Applicants must be able and willing to deal with foreign book suppliers through correspondence and in person. Primary emphasis of collections is in Latin American materials, with concentration in contemporary Mexican legal materials.

Please submit letter of application, resume, and names of three references by June 15 to: Prof. Jon S. Schultz, Director, University of Houston Law Libraries, Houston, Texas 77004. [Editor's Note: Deadline may be extended by calling Director and expressing interest (713-7490-1862)].

Tea and Cookies, Anyone?

The SIS, in conjunction with the Asian-American Law Librarians, will host a reception for the speakers of the program on Chinese Commercial Law for the Non-Specialist immediately preceding that program at 12:30 p.m. on Tuesday, July 7, 1987. It is hoped there will be a half hour informal session where you may address questions to the panelists with regard to collection development, legal developments, or current events in China. Refreshments will be served.
A "HAGUE CONVENTION" THAT WAS REALLY SIGNED IN BRUSSELS.

BY MARTA TARNAWSKY, UNIVERSITY OF PENNSYLVANIA BIDDLE LAW LIBRARY

One of the more perplexing—and more interesting—reference questions in foreign law librarianship is the one involving "the Hague Rules." I still have to find a general or international law dictionary, encyclopedia, or digest which would provide a definition or give at least a helpful cross reference. "The Hague Rules" are also referred to as "the 1924 Hague Convention." You may have heard of some Hague conventions on private international law that are not in force in the US and may be difficult to locate as a consequence. But the Hague Rules, the patron tells you, have been binding in the US for some 50 years.

It should be relatively easy to find the text. Be forewarned: "the Hague Rules" is, indeed, a popular name for a 1924 international convention, but the convention was signed in Brussels, and not in the Hague! Its proper name is "International convention for the unification of certain rules relating to bills of lading for the carriage of goods by sea." It was signed in Brussels on August 25, 1924 and has been in force for the United States since 1937.

Commonly used treaty indexes such as Treaties in Force, A Guide to the United States Treaties in Force, by Igor J. Kavass and Adolf Sprudzs, and Multilateral Treaties: Index and Current Status by M.J. Bowman and D.J. Harris do not provide much help to the uninformed. No one thought of listing in the subject index a reference from "Hague Rules" to the Brussels convention, which would be welcome indeed.

But once you have gone through the process of discovering this mysterious Hague convention which was in fact signed in Brussels, you are not likely to forget it. And the only way to discover it at the present time, as far as I know, is by consulting an international law professor, or, if you know that the subject is "bills of lading" or "shipping," by looking it up in periodical indexes (Index to Legal Periodicals, Current Law Index, Legaltrack, Index to Foreign Legal Periodicals) under those subjects with the hope of finding "the Hague Rules" in the title of some article.

Moreover, what makes the question even more interesting, is the fact that the 1924 convention was amended by a protocol signed on February 1958 in Brussels and the protocol is known in some quarters as "the Visby rules." You won't get any help from the treaty indexes, or legal dictionaries and encyclopedias, if you try to find a reference from Visby or Visby rules either.

What is the Hague and/or Visby connection of this Brussels convention and its protocol? How and why did they get these popular names? Some clarification and historical background is provided by treatises and specialized studies.

"In September 1921, a meeting of the International Law Association was held at The Hague with the object of securing adoption by the countries represented of a set rules relating to bills of lading, so that the rights and liabilities of cargo-owners and shipowners respectively might be subject to rules of general application. Previously those rights and liabilities had been differently defined in different countries, with consequent embarrassment to overseas trade." 4

Meeting Highlights:

(Continued from page 1)

-When Constitutions No Longer Protect: International Law and States of Emergency, 3:15-4:45 p.m.

Wednesday, July 8th

-Latin American Documents: Access and Use, 9:00-10:30 a.m.

-Losing Our International Resources: How to Prepare a New Generation of Law Librarians Specializing in Foreign, Comparative, and International Law, 10:45-12:15 p.m.

Thursday, July 9th

-Workshop on the European Community and the Law Library, 9:00 a.m.-4:00 p.m.
The ILA at its Hague Conference of 1921, drew up the agreement known as the Hague Rules, intended for voluntary adoption by carriers in their bills of lading. But the carriers did not comply. The form of these rules was retained as the basis for a convention and this draft (with some amendments) became the final convention, i.e., the Brussels convention of 1924. This explains the “Hague connection”. The explanation for the “Visby connection” makes “amusing reading”, according to the Lloyd’s of London special report.

The sub-committee on bill of lading clauses of the CMI (Comité Maritime International) which was working on proposed amendment to the Hague Rules wanted to have the name of Visby associated with the new rules. Visby is the capital of Gotland, a Swedish island in the Baltic Sea. Back in the 13th century, Visby was the center of a mercantile association which monopolised the Baltic trade, later it became an important member of the Hanseatic League. There is also an old maritime legal code known as the “Laws of Visby”.

It was suggested therefore that the members of the sub-committee (which met in Stockholm) take a short plane trip to Visby in order to sign the document there and make it known as the “Visby Rules” (or, more precisely, the “Hague-Visby Rules”). And this is what actually happened.

Eventually, both the “Hague Rules” and the “Hague-Visby Rules” will be replaced by the “Hamburg Rules”. The latter are a product of an UNCITRAL conference held in Hamburg which produced the United Nations Convention on the Carriage of Goods by Sea concluded also in Hamburg in March 1978. This convention is not yet in force. Parties to it must denounce both the 1924 Hague Rules and the 1968 Hague-Visby Rules, so that hopefully, once the “Hamburg Rules” take over, the Hague and Visby puzzle will remain but an historic anecdote for law librarians.

1 51 Stat. 233; Ts 931; 2 Bevens 430; 120 LNTS 155.

2 “Protocol to amend the 1924 International Convention for the Unification of certain rules of law relating to bills of lading.” United Kingdom Treaty Series 83 (1977), Cmdn 6944. The US is not yet a party to this Protocol.


5 Clarke, Aspects of the Hague Rules at 4-5.

6 ibid at 5


8 ibid at 2

9 ibid.

10 ibid.

11 ibid.