

International law in the electronic age: implications for researchers, teachers and practitioners

A seminar organised by the American Society of International Law Committee on Electronic Technologies and the Centre for Comparative and Public Law, The University of Hong Kong

Friday, 22 May 1998

9:00 a.m. - 1:15 p.m.

LG102, KK Leung Building, The University of Hong Kong

9:00 a.m - 9:15 a.m.

Registration

9:15 a.m - 9:30 a.m.

Introduction

Andrew Byrnes, Director, Centre for Comparative and Public Law, The University of Hong Kong

9:30-10:30 a.m.

"International Law in the Information Age: Beyond the Horseless Carriage?"

Professor John King Gamble, Penn State University; Chair ASIL Committee on Electronic Technologies

10:30-11:15 a.m.

"Researching Hong Kong's treaties: the HKU treaty website"

Ms Kirstine Adams and Associate Professor Andrew Byrnes, Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong;

11:15-11:30 a.m.

Tea/coffee break (served on G/F, KK Leung Building)

11:30 - 12:30 p.m.

"The Global Classroom: Thoughts on Teaching International Human Rights Law in the Electronic Age"

Professor Craig Scott, Faculty of Law, University of Toronto

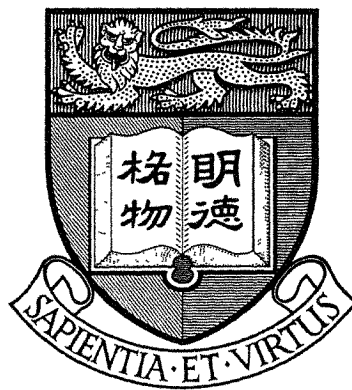
12:30 - 1:15 p.m.

"Serving the International Law Community: The ASIL in the Electronic Age"

Dr Charlotte Ku, Executive Director, American Society of International Law

*For other Centre activities, see <http://www.hku.hk/ccpl/seminars.html>
Visit the website of the ASIL at <http://www.asil.org>*

UNIVERSITY OF HONG KONG
LIBRARIES



The Hong Kong Treaty Project Web Site

<http://www.hku.hk/ccpl/treatyco.htm>

An Outline of the Hong Treaty Project Web Site

**By Kirstine Adams, Centre for Comparative and Public Law, The University
of Hong Kong**

**International law in the electronic age: implications for researchers,
teachers and
practitioners**

**A seminar organised by the American Society of International Law
Committee on Electronic Technologies and the Centre for Comparative
and Public Law, The University of
Hong Kong**

Friday, 22 May 1998

9:00 - 1:15 p.m.

**KK Leung Building
Lower Ground Floor
Room LG102**

The Hong Kong Treaty Project Web Site
<http://www.hku.hk/ccpl/treatyco.htm>

An Outline of the Hong Treaty Project Web Site
**By Kirstine Adams, Centre for Comparative and Public Law, The University
of Hong Kong**

Introduction

The Centre for Comparative and Public Law is presently engaged in a project documenting some of the international law consequences of the resumption of sovereignty over Hong Kong by the People's Republic of China on 1 July 1997. One of the goals of this project is to compile and make publicly available through the Internet information about the international treaties applicable to Hong Kong as a consequence of the change of sovereignty. The Hong Kong Treaty Project web site fulfills that goal making available an online database that may be used to research the status of international treaties applicable to Hong Kong prior to and after 1 July 1997.

Location

The Centre for Comparative and Public Law Home Page is at <http://www.hku.hk/ccpl/HomePage.html> The Treaty project pages begin from <http://www.hku.hk/ccpl/treatyco.htm>

The Treaty Project Contents Page

The Treaty Project Contents page is a central page from which users can link to the database and view the users guide.

At the Contents of the Database section users are invited to select a list most appropriate his or her research interests. We envisage that users will come to the site with a treaty name in mind, or a subject area they wish information on. At the moment the database is not supported by a search engine. However, as you will see, it is very simple to locate information.

The contents are split into two sections: the database and the letters of notification.

The Database

Access to the database is possible via one of the following four lists:

- multilateral treaties subject list;
- multilateral treaties chronological list (by date of adoption);
- bilateral treaties subject list;
- and bilateral treaties country list.

Selecting a list the user will access a list of subjects, dates or countries from which they will be linked to a list of treaties. Selecting a treaty will link to a database entry. Guide notes and a sample database entry can be connected to from each of the above four lists.

Users Guide

The users guide explains the above steps. A sample database entry highlights various information contained in entry. **Copies of both the users guide and the sample database entry are attached, pages 4-7.**

Database Entries

As previous mentioned the users guide includes a sample database entry which highlights and explains information provided. (*Explanations in italics*)

Letters of notification

We have made available on line the full texts (annotations and links added) of the letters of notification sent by the Governments of the UK and the PRC to the United Nations. Users will find it useful to browse through the annexes of the letters of notification to compare the applicability of multilateral treaties to Hong Kong before and after 1 July 1997.

For example under the UK letter of notification, under "Private International Law", the *Protocol on Arbitration Clauses signed at Geneva on 24 September 1923* is listed followed by the annotation "not included in the PRC list". This indicates that this treaty used to be applicable to Hong Kong prior to 1 July 1997 but is no longer applicable.

Also under Private International Law the *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the*

Hague 5 October 1961 is listed followed by the annotation "Annex II of the PRC List". This indicates that this treaty continues to be applicable to Hong Kong even though the PRC was not a party to the treaty prior to 1 July 1997.

Hong Kong Treaty Project Database Users Guide

<http://www.hku.hk/ccpl/treatyco.htm#Users>

A: Database Treaty Lists

To find an entry in the Hong Kong Treaty Project Database follow these steps:

1. Go to Contents of Treaty Database.

2. Select one of the following lists:

- Multilateral treaties by subject
- Multilateral treaties chronological order
- Bilateral treaties by subject
- Bilateral treaties by country

3. Select a subject area, category or country.

4. Select a treaty and link to a database entry. **sample database**

B: The Letters of Notification

Browse through the annexes of the letters of notification from the Governments of the United Kingdom and the People's Republic China to compare the applicability of multilateral treaties to Hong Kong before and after 1 July 1997. (See the database for more detailed information)

Troubleshooting Tips

Most database entries cover more than one page. Select "next" from the bottom of each database page to view the next database page. You may also navigate through the database using the "first" "previous" "next" and "last" links.

Warning! Some database pages may contain format errors. Select "reload" or "refresh" on your web browser to remove errors.

Hong Kong Treaty Project Web Site Map

Multilateral by
↔subject ↘

Multilateral
↔chronological →

Users Guide

Sample Database

Treaty lists → Database entries

Bilateral by
↔subject →

↗
HK Treaty Contents
Page →
↘

Bilateral by
↔country ↗

UK Letter of Notification

PRC Letter of
Notification

PRC Annex I

PRC Annex II

*multilateral treaties sample database entry 13-May-98***Guide to database**

<u>Treaty Database Contents</u>	<u>Multilateral Treaties by Subject</u>	<u>Multilateral Treaties Chronological List</u>
Rec'd No: <i>Database entry ref. number</i>	273	Information Date: 29-Aug-1997 <i>Last data update</i>
Main subject: Civil Aviation	HK Ref: 4 <i>HK Ref number in UK letter of notification list</i>	PRC Ref: II/22 <i>Entry in PRC letter of notification: eg. here Annex II/number 22</i>
<i>Contained in Subject lists</i>		
Subject matter: Air Services		
Treaty: International Air Services Transit Agreement. <i>Full title of treaty</i>		
Acronym:	Short title: Two Freedoms Agreement	
Date of adoption: 07-Dec-1944 <i>Chronological list by date of adoption</i>	Entry into force: 30-Jan-1945	
Place of conclusion/adoption: Chicago		
Adopted by: International Air Aviation Conference.		
Text: 84 UNTS 389; 39 AJIL Supp 135 (source: Bowman & Harris) - Reprinted in Christopher N Shawcross, Shawcross & Beaumont Air Law (Rev 4th ed), (London, Butterworths), Vol 2.		
Internet(text) <i>Not available for all entries</i>	http://www.iasl.mcgill.ca/	
<i>Not available for bilateral treaties</i>		
Internet(other info) McGill University Institute and Centre of Air & Space Law: http://www.iasl.mcgill.ca/ for		

details on air and space law. For general information on ICAO:
<http://www.cam.org/~icao/>.

Depositary: United States

Bowman & Harris reference: Treaty 177

Entry into force for HK: 31-May-1945

Application to HK before 1 July 1997: UK acceptance 31 May 1945. Extended to HK upon acceptance. (source: Bowman & Harris and MTAHK)

Declarations Prior
to 1/7/1997:
UK Notification:

Application to HK
from 1/7/1997:

Implementing
legislation UK/HK:

*Some entries may not contain
information in all sections*

Other measures:

Is PRC a party?: No

**Date of Chinese
ratification or accession:**

Status with respect
to PRC:

Summary of treaty: "This Agreement, known as the "Two Freedoms" Agreement, requires parties to grant each other, in respect of scheduled international air services, (i) the privilege to fly across their territory without landing and (ii) the privilege to land for non-traffic purposes."
(source: Bowman & Harris)

Case law:

Comment:

Secondary
literature:

International law in the electronic age: implications for researchers, teachers and practitioners

A seminar organised by the
American Society of International Law Committee on Electronic Technologies
and the
Centre for Comparative and Public Law,
The University of Hong Kong

Friday, 22 May 1998
9:30 - 1 p.m.

KK Leung Building
The University of Hong Kong

11:45 - 1:00 p.m.

"The Global Classroom: Thoughts on Teaching International Human Rights Law in the Electronic Age"

Professor Craig Scott, Faculty of Law, University of Toronto

The following document is a project description prepared on May 14, 1998, as part of a proposal by Prof. Scott for funding assistance from the Government of Canada's Southeast Asia Fund for Institutional and Legal Development (SEAFILD). The purpose of the assistance would be to help the University of Toronto and National University of Singapore to bring partners from Southeast Asian countries into the evolving global classroom course described in funding proposal. (The budget portion has been omitted.) For want of time, Prof. Scott could not prepare a specific paper tailored to the Hong Kong meeting. However, the attached document covers most essentials. Prof. Scott will elaborate further in his oral presentation on several dimensions touched on in the proposal, most notably the lessons learned so far from trying to marry technological and normative dimensions of a dialogical pedagogy in the context of a virtual classroom on international human rights.

SOUTHEAST ASIA FUND FOR INSTITUTIONAL AND LEGAL DEVELOPMENT

PROJECT DESCRIPTION

May 14, 1998
(original Concept Paper and preliminary
Funding Proposal submitted on December 8, 1997)

PROJECT TITLE: Global Classroom on *Law, the Individual, and the Community: A Cross-Cultural Dialogue*

COUNTRIES: Malaysia, the Philippines, Thailand; others possible

IMPLEMENTING ORGANISATION: The Faculty of Law, University of Toronto (U of T), (project co-leader: Professor Craig Scott) in partnership with the Faculty of Law, National University of Singapore (NUS); project co-leaders: Dr. Kevin Tan and Ms. Thio Li-ann.

Contact person: Prof. Craig Scott, Faculty of Law, University of Toronto, 78 Queen's Park, Toronto, Ontario, M5S 2C5, Canada. Tel: 416-978-5611; fax: 416-978-2648; e-mail: <<craig.scott@utoronto.ca>>.

1. PURPOSE AND OBJECTIVES

Goal: To develop and extend the participation of university students in several Southeast Asian countries in a 'global classroom' course which is centred on dialogue amongst parallel classes from around the world by means primarily of Internet-based communications technology, notably web conferencing (text-based discussion groups and audio links, with possible eventual Internet-based video communication). The course, a pilot version of which was run between U of T and NUS in 1997-1998, deals with competing ideas about the appropriate relationship between individual and community and the role of law in regulating that relationship. A special concern is to explore the extent to which human rights are an indispensable and universally-desirable aspect of such legal regulation. A central question critically addressed in the global classroom is: are there reasons to believe that either the idea of human rights or the content attributed to some human rights cannot be justified as appropriate for all societies in all contexts? In order to provide a context for the dialogue amongst the students in the different universities, selected legal cases and scenarios (both actual and hypothetical) from international human rights law provide the concrete focus for exploring the broader theme.

Objectives: By putting students from different contexts around the world into sustained contact through evolving forms of information technology and by emphasizing dialogue as a two-way process of mutual education, the goal is to contribute, through structured constructive dialogue, to the acquisition of skills and dispositions related to critical thinking about how to achieve healthy national communities at the same time as respect for the dignity and well-being of individuals and sub-state

groups. As with all education, there is no guarantee of what kinds of beneficial impacts that education may have on broader society, but it is assumed that helping students (primarily, *law* students) think reflectively about law and justice in the proposed manner will, in all likelihood, have positive effects on the institutional and legal development of societies in Southeast Asia by virtue of the potential leadership roles such students will play with the passage of time.

2. DESCRIPTION, SCOPE, MANAGEMENT AND COST

Overview and History of Project:

Associate Professor Craig Scott of the University of Toronto (U of T) spent his sabbatical at the National University of Singapore (NUS) from January to July of 1996. A partnership emerged between him and two lecturers at the NUS Faculty of Law, Dr. Kevin Tan and Ms. Thio Li-ann, aimed at creating a new kind of "global classroom" centred on cross-cultural dialogue amongst parallel classes in Southeast Asia and the rest of the world, starting with Toronto and Singapore. The course would allow students to explore debates on contrasting approaches to the proper relationship between the individual and the community (including the appropriate role for legal regulation and legal institutions), debates which, in our times, often are conducted under the mantle of human rights. With the enthusiastic support of both NUS and U of T, it was decided to go ahead as soon as possible with a pilot project between U of T and NUS which would test the idea and iron out teething problems.

The 1996-1997 Pilot Project Between National University of Singapore and University of Toronto, Faculties of Law:

Thus, within six month of approval of the course by the two universities, a single global classroom was created out of two locations. In an exercise in cooperative teaching, Dr. Tan and Ms. Thio led 15 students at the NUS Faculty of Law with Prof. Scott leading 12 students at U of T in a joint course from January to April 1997 which was listed in each school's curriculum as *Law, the Individual and the Community: A Cross-Cultural Dialogue*. In addition to the active joint sessions of the two halves of the class, each half also met on its own in a more traditional-style seminar in order to reflect on the themes of the course and in order for each professor to lay whatever groundwork seemed necessary.

In order to provide a context for the dialogue between Toronto and Singapore students, international human rights law contexts (as well as some comparative constitutional case law) provided the concrete focus for exploring the broader course theme. As the class worked through different normative controversies (e.g. freedom of expression, access to adequate housing, women's rights, justice for aboriginal communities in the face of commercial activities, respect for sexual diversity, etc.), students were asked to consider whether (and why) the premises, concepts, and values which they were invoking in argument with their overseas counterparts (and, indeed, with their classmates in their own school) were universal or were, instead, only contextually valid.

Dialogue as a two-way learning process was emphasised throughout. Several forms of communication technology were used to link the classes and facilitate this process. First of all, the course used video-conferencing to place the classes in real-time contact with each other; there were eight two-hour sessions, with the class in Toronto meeting at 7-9 PM on Tuesday nights which translated across 13 hours of time zones into 8-10 AM Wednesday mornings in Singapore. A second form of communication was an Internet website based at NUS which set up a specific password-only discussion site for the course. The website was used for several purposes. One purpose was as a site

for discussion amongst members of the entire combined class of a number of set topics flowing out of the themes of the course readings; a related purpose was as a post-class discussion site for students to continue dialogue in the days following a video-conference session. As well, students were partnered with "electronic penpals" at the other institution and asked to prepare cooperative presentations on selected topics for the last four of the eight video-conference sessions. In preparing for this cooperation, students used sub-sites on the course's website, Internet Relay Chats (IRCs) (which allow for real-time written exchange on the Internet), and plain, "old-fashioned" e-mail.

The Upcoming 1998-1999 Global Classroom Course

After a hiatus in 1997-1998 to allow for further planning of the course based on the lessons learned in 1996-1997, the global classroom will be offered again next year, with additional partners in Malaysia, Finland, and the U.S. (Atlanta) with the possibility of Hong Kong participation. A course description as it now appears in U of T's Syllabus for 1998-1999 is as follows:

**LAW, THE INDIVIDUAL, AND THE COMMUNITY:
A CROSS-CULTURAL DIALOGUE**

**Profes
Professor Tan (S
Professor Scheinin (Turku/**

**Professors Moh
Saravanamuttu (Penang/
& Professor An-Na'im (Emory/USA)**

**Three credits: Two hours, second term
(T: 6:00 - 8:00)**

**No Prer
Max
Extended Paper & Percepti**

This seminar is a 'global classroom' course centred on dialogue amongst parallel classes at the University of Toronto, the National University of Singapore (NUS), the Universiti Sains Malaysia (in Penang), Turku Law School in Finland, and Emory University in Atlanta, USA, by means primarily of Internet-based communications technology. The course deals with competing ideas about the appropriate relationship between individual and community and the role of law in regulating that relationship. A special concern is to explore the extent to which human rights are an indispensable and universally-desirable aspect of such legal regulation. Are there reasons to believe that either the idea of human rights or the content attributed to some human rights cannot be justified as appropriate for all societies in all contexts? In order to provide a context for the dialogue amongst the students in the different universities, selected cases and scenarios from international human rights law (as well as some comparative constitutional case law) provide the concrete focus for exploring the broader theme.

The main form of communication technology used to link the students is an Internet website discussion group (or "conference") to which students in the course will have password-only access. The instructors will moderate general conferences involving all students from all the participating universities. All of these conference discussions are "asynchronous" in that students contribute to the discussion at different times and these contributions are archived on the website for others to read and respond to when they have the occasion. Each class meets on its own to discuss the progress and content of the dialogues. As well, special thematic conferences will also be set up which will allow smaller numbers of students from each university to pursue common interests. These smaller groups of students will also be able to pursue "synchronous" (real-time or live) discussions through

"chat" (Internet Relay Chat) technology; students who choose a form of evaluation which involves cooperation with one or more students from abroad will find IRCs especially useful along with regular e-mail communication.

Note: On occasion, video-conferencing sessions may be used to link entire classes. The regular class time will have to be modified in order to arrange such hook-ups across time zones. In particular, any video-conferencing sessions with the universities in Singapore or Malaysia will likely take place at 7-9 PM on Tuesday evenings while a session with Finland would likely have to be scheduled in some noon-hour slot.

Evaluation: The course depends heavily on students contributing to the Internet discussions and also doing key readings so as to provide a common basis for discussions. For that reason, 25% of each student's grade is based on maintaining regular and thoughtful participation in both the Internet archived conferences and in classroom seminars.

Thereafter, students may choose one of four evaluation options for the remaining 75%. Option A: A student must write a paper of 5400-6000 words (approx. 18-20 pages). Some outside research and reading is expected. Students wishing to do an Extended Paper must choose Option A. Option B: A student may choose to be assessed for an additional 25% on the quality of her or his contributions to the Internet discussions. The remaining 50% is to be a paper of 3000-3600 words (10-12 pages); less outside research and reading is expected than for Option A. Option C: A student may choose to 'convert' a number of her or his contributions to the Internet conference into five short critical commentaries (reflective papers) of 1100-1200 words (3-4 pages) each; each commentary is worth 15% of the final mark. The commentaries are to be primarily based on the course readings and the substance of the conference discussions. Option D: With the permission of the relevant instructors, a student may modify any of the above options in order to pursue a collaborative form of evaluation with one or more of the students from the other universities.

Summary of Lessons Learned Through the Pilot Course Leading to Modifications as Reflected in the Above 1998-1999 Course Description:

Despite the compressed planning and preparation, the course in 1996-1997 was very much a success, judging by student evaluations at both NUS and U of T and by the instructors' assessment of the quality of the discussions which transpired throughout the course. However, it is fair to say that there are a number of aspects of the course that need either modification or refinement, especially given that (as proposed below) the plan is to extend the course to other partners in Southeast Asia and in the rest of the world. The most significant amendment to the course design will be to eliminate video-conferencing as the central feature of the course – at least the costly video-conferencing via ISDN telephone lines as opposed to the possibilities that are emerging with respect to low-costs Internet-based video communication. Instead, Internet-based discussion groups and IRC (Internet Relay Chats) will be made the essence of the course in future. Removing video-conferencing will allow lower-cost and more technologically-accessible communication contexts. In addition, it was found, not surprisingly, in 1996-1997 that the level of reflectiveness of student contributions was noticeably higher and more sustained through the Internet discussion group. Not only did students have more time to consider what they wished to say and how, but also they were able to situate their contribution in relation to the archive of postings made by other students on any given issue or in any given thread of conversation. In any case, video-conferencing technology is currently not such as to allow for the simultaneous participation of multiple sites, so it is, in effect, a technology that is not conducive to a multi-school (as opposed to bilateral) global classroom. On the other hand, an Internet-based course will allow potentially a large number of classrooms to participate simultaneously in *Law, the Individual and the*

Community We will still leave open the possibility of occasional video-conference sessions between any two of the participating partners who wish to create a greater sense of connection which can help motivate the Internet discussions, but we will not necessarily encourage it and it will certainly not be required.

There is also a need, judging by the first experience, to have a much leaner set of mandatory readings in order for the Internet dialogues to be more focused and in depth, and thus more fruitful. The co-instructors are now collaborating on such a set of materials, which may be published. A meeting on June 14 in Penang with the instructors Scott, Tan, Mohamad and Saravanamuttu will be the first big meeting to decide on the main lines of the readings. The hope is that we will use the Internet itself as a resource for much of the primary material, notably treaties and human rights cases that are now easily accessible on the web. The traditional reading materials and reading list will provide the Internet addresses for students rather than hard copies of the cases or treaties.

It should finally be noted that the basic idea is for the global classroom to operate as much as possible as a single course with multiple university locations and instructors. But most institutions will conduct a parallel traditional seminar amongst its students, albeit one designed to tap into what is going on in the virtual global classroom. This allows for each institution to choose the most fruitful way for its group of students to interact with the global classroom (see the example of Universiti Sains Malaysia below). As well, the general course readings that would be distributed to all students wherever located could be supplemented by some readings designed to take into account particular issues and contexts of particular interest to the school in question.

Planned Extension into Other Southeast Asian Countries for 1998-1999, and Thereafter:

The ideal would be to have a half dozen or more Southeast Asian partners, possibly two in each of Malaysia, Thailand and the Philippines. Extensions into other Southeast Asian countries such as Vietnam, Cambodia, and Indonesia will be contingent on political developments and on English-language capabilities of the student population; any such extension would take place after the end of the current SEAFILD mandate and is not part of the present proposal. It may well be that our experiment, using English as the medium, can then help provide a template for some possible intra-regional dialogues, most notably between Malaysia and Indonesia, in Bahasa; however, such an ambitious extension is not part of the immediate proposal.

SEAFILD's funding assistance is being requested for the costs of planning activity necessary for the extension into other Southeast Asian countries apart from Singapore. Although Prof. Scott met with the SEAFILD Project Director in July 1996, no SEAFILD funding was requested until now because Singapore is not considered in need of such funding and, more importantly, because it was decided that it was best to go through the pilot project first.

Two potential partners have been identified in Malaysia so far. The first partner will be the Universiti Sains Malaysia (USM) in Penang, beginning next year. The Malaysian colleagues who are joining the global classroom are Professors Maznah Mohamad (Dept. of Development Studies) and Johan Saravanamuttu (Dept. of Political Science). Prof. Mohamad's primary area of expertise relates to women in development as well as women and Islamic law (she is National Coordinator of the Women and Muslim Law Project); Prof. Saravanamuttu is currently focussing on the theory and practice of civil society in Southeast Asian societies. Each has been a visiting professor at U of T this past year (Prof. Saravanamuttu holding the CIDA-funded ASEAN Chair). The emerging idea is that the class in Penang will likely have a different complexion from that in Toronto or in Singapore: most

notably, it would likely consist of students in disciplines other than Law and, as well, would include persons from civil society who might take the class as part of a certificate programme. Professors Mohamad and Saravanamuttu will draw on their extensive involvements with women's organisations (such as Sisters in Islam and the Association of Women Lawyers) and social reform movements (such as Aliran); it is envisaged that practising lawyers would also be attracted to the course. The second potential Malaysian partner is the Universiti Malaysia (UM) in Kuala Lumpur, where both the law faculty and other humanities departments involved in cross-cultural studies may be interested in creating a joint course. The primary contact at the moment is Prof. Chandra Muzaffar who holds the Chair in Inter-Civilisational Studies. This Chair is a research chair but one which makes him well-situated to help coordinate the involvement of UM. UM students will not be part of the course for 1998-1999, but Professors Mohamad and Saravanamuttu hope possibly to involve Prof. Muzaffar as an occasional participant at their end of the course, something entirely possible given the virtual nature of the classroom. It has also been suggested that possibly, in future years, the global classroom could take on an intraregional dimension such that Prof. Mohamad and Saravanamuttu could pioneer its extension into Indonesia with Bahasa being used as the primary language of interaction in a one-to-one partnership.

Malaysia represents the most advanced planning for the extension. Along with UM, we wish to bring in other partners in subsequent years, hopefully all by the year 2000. However, the Singapore colleagues, Dr. Tan and Ms. Thio, have developed relationships with persons in Thailand and the Philippines. It is contemplated that we will try to see if there is sufficient interest of one or more institutions in each of these countries in joining in the global classroom for the winter term of the year 2000. With respect to Thailand, potential partners are Prof. Vitit Muntarbhorn and/or Prof. Suwanna Satha-Anand of the Faculty of Law and Department of Philosophy, respectively, at Chulalongkorn University and Prof. Chaiwat Satha-Anand at Thamassat University; in the Philippines, Prof. Sedfrey Candelaria and/or Prof. Carlos Medina at Ateneo University and Prof. Diokno at the University of the Philippines Faculty of Law are possible partners. All of these individuals have established reputations for scholarship in the area of international human rights and for civic commitment to the pursuit of social change that enhances human dignity.

Other partners from outside Southeast Asia are already onstream for next year or interested in coming in soon. Prof. Martin Scheinin, a member of the United Nations Human Rights Committee and one of the world's leading experts on the legal protection of social and economic rights, heads up a class participating in the global classroom next year from the Institute of Human Rights at Abo University in Turku, Finland. Also participating is Prof. Abdullahi An-Na'im's international human rights seminar at Emory University in Atlanta; Prof. An-Na'im, in exile from the Sudan, was head of Human Rights Watch (Africa) and is widely recognised as one of the leading, if not the leading, international legal scholar working on issues of universality, culture and human rights. In May 1998, on his way to meeting his Singaporean and Malaysian co-instructors in June, Prof. Scott has been invited to give a presentation on "A Global Classroom: Reflections on Teaching International Human Rights Law in the Electronic Age" at the University of Hong Kong (co-sponsored by the American Society of International Law). It is possible that the Faculty of Law at Hong Kong University will be part of the course as early as next year. HKU's Dr. Andrew Byrnes, one of the world's leading experts on both the Convention Against Torture and the Convention on the Elimination of All Forms of Discrimination Against Women, is keen to participate but is on leave next year; it is possible that Dr. Johannes Chan, who is widely respected for his writing on various aspects of the theory of international human rights law, will join Dr. Byrnes and may be able to adapt an existing course at HKU so as to be involved next year. Prof. Scott has also been invited by the Insitute of International Law at Beida (Peking University) to come to Beijing to discuss topics of mutual interest which will include exploring the possibilities of Peking University joining the global classroom within the next few years.



**International Law Communications Network:
An ASIL Needs Assessment**

by

Charlotte Ku
Executive Director
American Society of International Law

and

John King Gamble
Professor of Political Science and International Law
Pennsylvania State University, Erie
Chair, ASIL Committee on Electronic Technologies

A Project Supported by the Ford Foundation

May 1998

**International Law Communications Network:
An ASIL Needs Assessment**

Table of Contents

Foreword.....	3
I. Technology and International Law.....	4
II. Technology and The American Society of International Law.....	9
III. The ASIL International Law Communications Network Project.....	12
A. The ASIL Membership.....	13
B. The ASIL Web Site.....	16
IV. Future ASIL Electronic Directions	
A. Facilitating and Enhancing Member Communication.....	18
B. Creating and Collecting Information Guides, Documents and Archives.....	19
C. Evaluating and Tracking of Web Sites.....	22
V. Conclusion.....	25
Appendix I.....	32
Appendix II.....	33

Foreword

The appearance of this report marks both an end and a beginning. It is the end of a two year effort to understand the information needs of scholars, students, and practitioners of international law as represented by the membership of the American Society of International Law and the ASIL's capacity to meet those needs in the electronic environment. It has also been an effort to determine what other international law information providers are developing to meet the needs or demands they encounter. Where we have thought of ourselves in terms of discrete titles, the *American Journal of International Law*, *International Legal Materials*, *International and Comparative Law Quarterly*, the Max Planck Institute Bibliography¹, for example, we are now reacquainting ourselves with the fundamental purposes of these titles and their audiences. We find ourselves now examining production and distribution processes to ensure that we can take effective advantage of the opportunities presented by the electronic medium. The demand for our presence in the electronic medium exists, the potential is there, it is for us to identify the appropriate opportunity.

One of the most gratifying, but unexpected, outcomes of these years of conversation is the importance of ASIL raising the issues and providing forums for consideration of the issues. The convening role has not only brought us into closer contact with new segments of our membership – librarians and information management specialists for one, but has also allowed us to benefit from the experience of other individuals and organizations in exploring this new information environment.

Throughout the report, individuals with whom we have come into contact are named and identified. To these and to the many who took part in our initial roundtables and test audiences, we are grateful for your assistance as we moved into this new environment. We are now poised to continue the conversations, processes, and projects which were started under the auspices of the International Law Communications Network Project with the support of the Ford Foundation. The project launched the ASIL web site www.asil.org, provided us with our first electronic information project in the Electronic Resources Guide to International Law, and gave us the elements of a blueprint for future directions embodied in this needs assessment. This is the story of the first stage in the electronic development of ASIL.

I. Technology and International Law

“How can one do more to strengthen the rule of law in the international community than by enabling people to know what that law is?”² In framing this question, Harvard Law Professor Detlev Vagts highlighted the tie between information and technology and their significance for international law. Vagts identified three important factors in this relationship:

1. individuals, their personal contacts and professional associations;
2. the sources and volume of legal information; and
3. the management and organization of information.

Writing in 1995, Vagts concluded that the international law information system “is in fact less adequate to the needs of the present than it was forty years ago.”

Viewed from the outside it seems to be sleekly efficient, resting on the newest achievements of the publishing and electronic worlds. But it contains so much disorganized information that it threatens to overwhelm the well-equipped user. At the same time it leaves out of the circuit persons and institutions that cannot bear the ever-increasing costs of being a part of it. These difficulties threaten to break down the basic universality and connectedness upon which the international legal community and even international law itself are supposed to rest.³

This might seem a surprising conclusion in the face of technologies generally regarded as promoting connectivity and allowing for nonstop and immediate communication without regard to time or distance. Vagts cautioned that the ease of producing information with modern technology provided little guidance on its use, management and understanding..

Consideration of these issues by ASIL began at the 1992 ASIL Annual Meeting Panel on Modern Technology and its Effect on Research and Communication. 1992 also saw the launching of the *ASIL Newsletter* feature “What’s Online in International Law” authored until July 1996 by Paul Zarins of Stanford University. Panels at the 1995 and 1996 ASIL Annual Meetings and the 1997 Hague ASIL-NVIR Joint Conference combined the sharing of information about particular electronic resources with a broader consideration of the implications for international law itself. They chronicle the rapid evolution of electronic legal information.

The story of the Multilaterals Project initiated at the Fletcher School of Law and Diplomacy which is one of the more “established” electronic information bases is perhaps illustrative. Peter Stott who created the project described its development:

The Multilaterals Project was initially a plan to present the full texts of environmental treaties online for public access. The project began in the fall of 1992 – which is ancient history to veterans of the Internet. Gophers were still a novelty, and the Web was still a line-mode browser at CERN. There was not a single international convention text available on the Internet (although, of course, LEXIS-NEXIS and WESTLAW provided access to many recent treaties).

The Multilaterals Project was conceived as a tool to aid environmental policy makers and nongovernmental organizations (NGOs) in developing strategies to monitor the operation of international environmental agreements. Indeed, six months before we opened the FTP site, we began posting treaties to the nonprofit communications network, EcoNet, a division of the San Francisco-based Institute for Global Communications. These first texts were primarily cultural resource protection treaties, including the 1972 World Heritage Convention and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. In the EcoNet conference, these treaties were supported by other documentation including newsletters relative to the treaties and explanatory fact sheets from NGOs interested in their promotion. Much of this material was migrated to the gopher and Web servers operated by the

International Council on Monuments and Sites. This migration exemplifies how we expect the Multilaterals Project to function, namely to supply texts as NGOs for their own servers with an appropriate credit line.....⁴

The Multilaterals Project subsequently appeared on the Tufts University web site in conjunction with a home page for the Fletcher School. Stott concluded his remarks with two observations. The first was to suggest that “if we really believe in the Web’s premise of a *distributed* network in which information providers all over the world provide original material, then those institutions closest to the source of the material should be providing it.”⁵ He further identifies the challenge of maintaining a complex information base after the initial start-up. Long-term challenges lie both in human resources and the scope of the work.

In this connection, Karen Coyle, librarian at the University of California pointed to the potential weaknesses of the World Wide Web which has become the *de facto* communication medium in providing information infrastructure.

On the Internet, many electronic information sources that we are declaring worthy of “universal access” are administered by part-time volunteers; graduate students who do eventually graduate, or network hobbyists. Resources come and go without notice, or languish after an initial effort and rapidly become out of date. Few network information resources have specific and reliable funding for the future. As a telecommunications system the Internet is both modern and mature; as an information system the Internet is an amateur operation.⁶

Bob Berring of the University of California’s Boalt Hall Law Library cautioned against an exhaustion of human resources as web site construction and maintenance

expand.⁷ The date of launching a web site masks the labor intensity of its maintenance as they become larger and more intricate.

In 1996, Roberta Balstad Miller, President and CEO of the Consortium for International Earth Science Information Network (CIESIN) took part in the ASIL Annual Meeting panel “Global Networks, New Technologies and International Law”⁸ and elaborated further on Peter Stott’s point about distributed information systems. She noted:

...despite [the] many benefits that accrue to those working in the field of international law, the Internet is an anarchic system. It has no priorities. It makes no judgments. It treats every piece of information like any other. As a result, systems for managing electronic information are required that will permit users to search for (and find) materials relevant to their needs. However, the very flexibility of the Internet, and in particular the Web, that allows individuals and organizations to share electronic materials easily also creates, in turn, new problems for users. They must be able to: identify online materials that originate in a broad variety of organizations; depend on their being available over time; and evaluate the quality of the materials and the organization that produced them.

One of the most valuable innovations to emerge from the anarchy of the Internet is the concept of distributed information systems. These systems are created out of the collective resources of a geographically dispersed set of information providers. The information is housed in the organizations or associations that created specific information resources or databases and are most knowledgeable about them; and it is shared with users through a common online interface and thus a common information-seeking protocol....In the field of international law, for example, a distributed information system could be comprised of an online catalog that documents all online and other electronic data and information resources related to international law. Thus it would provide users with, for example, texts of treaties, information about compliance, and access to other legal databases.⁹

This system has been described as a “centralized decentralization” “because each node in the distributed-data system is fully responsible for its data and metadata, yet they are electronically linked into a single user interface.”¹⁰

Miller concluded that while there was an opportunity for leadership by established, recognized and respected associations like ASIL to harness this technology for international law and to serve as an honest broker to provide quality control and to ensure access. Miller suggested that the task was for the international law community to organize and to understand its needs in order to assure that the electronic protocols being developed for commercial and entertainment uses did not preclude the development of an appropriate and effective electronic information system for international law. “There is, in sum, an urgent need for this community to determine its priorities for information systems and set about to accomplish them.”¹¹ ASIL sponsored discussions and panels on electronic legal information have been organized for this purpose.

II. Technology and The American Society of International Law¹²

For over ninety years, the American Society of International Law has attracted a diverse worldwide membership including pre-eminent scholars, practitioners, and government officials to promote the use and development of international law in world affairs. The pressures of change brought about by technology force ASIL to ask: How can the organization adapt to the new technology while maintaining the role and stature it has held for almost a century? Where does ASL have a comparative advantage? The ASIL pursues its mission in a variety of ways:

- (1) through print in periodicals – the *American Journal of International Law*, *International Legal Materials*, and the *Proceedings* of the Annual Meeting – and in books and monographs that result from the Society’s research and outreach programs;
- (2) through organized programs and meetings – the Society’s Annual Meeting, the briefing programs on recent developments in international law, meetings organized by ASIL members outside Washington as part of a regional meeting program or outside the United States in partnership with another international law society or academic institution; and
- (3) through the collection and dissemination of information – documents, event announcements, locating individual international lawyers, and written and oral commentary – to keep Society members abreast of developments and activities in international law.

The Society’s mission is to promote the use and development of international law. Although technology may change how this is done, the mission not only remains valid, but may take on new importance in light of Vagts’ observation about information chaos and Miller’s plea for leadership. Technology can affirm the ASIL’s role as an expert community whose imprimatur ensures quality. However, to carry out this role, the ASIL must build its capacity not only by creating its own electronic products, but also by monitoring and by linking with other expert communities and information providers. As an acknowledged subject matter expert, the ASIL will be called upon increasingly to authenticate a body of information or collection. Criteria need to be established for how to judge quality: timeliness, reliability, authenticity, comprehensiveness, storage,

archiving, accessibility and so on. The ASIL can help to improve and to alleviate the information chaos by providing guidance on what is important and where it can be found.

This ASIL expert community has a duty to assure that the context and significance of material uncovered online are understood. This requires a level of technical competence to judge the quality of documentation, case law and theoretical developments. Having verified the quality of the information found, access to and understanding of that information need to be assured. The ASIL already plays an important role in leading the discussion, in serving as a channel of and platform for communication, and providing the opportunities for international law professionals to exchange views, assess information resources, and to reinforce their professional network.

Douglas Bennett, now President of Earlham College, noted in his former capacity as Vice President of the American Council of Learned Societies that: "...learned societies establish and maintain connections: connections among scholars across a large number of institutions, and connections between these scholars and a broad array of resources of research, teaching and other professional activities. This is particularly worth noting here because the context within which scholars work is characterized much less by connection than by fragmentation and separation. In this context of disconnection, learned societies are an unusual countervailing institution."¹³

However to tap this potential, learned societies and the information community will need to understand and to foster new relationships as organizations like ASIL reorient their missions in an electronic age. Bennett noted that this reorientation meant performing existing functions, but also taking on completely new functions. Bennett listed the seven functions he found important:

1. *Quality control*: mechanisms and processes of peer review of information must adjust to the new environment.
2. *Preservation*: libraries are doing less so that learned societies may have to play a stronger role in assuming this responsibility.
3. *Common formats and standards*: to ensure that unnecessary barriers are not inadvertently created between disciplines, languages, or cultures.
4. Working to assure a new and *cooperative dialogue* among libraries, publishers, scholars, learned societies, technical and information specialists.
5. To explore new opportunities for *interactive and collaborative work* and projects. A feature of the new information environment is the importance of information management through classification and quality control. Management of information requires the cooperative efforts of technology expert, subject expert, and information management expert.
6. To provide a *new interaction between information providers and users*; and
7. To consider how the scholarly and policy community will adjust to the *cultural change* of the new technology. This includes not only social and professional adjustments, but also economic planning for long-term sustainability of technology dependent initiatives¹⁴

III. The ASIL International Law Communications Network Project

In 1995, the American Society of International Law received a grant from the Ford Foundation to explore several aspects of the emerging international law communications network. These projects had the dual purpose of developing the ASIL's own electronic presence as well as to gain understanding of the broader implications of technology on the work of international scholars and practitioners.

As the ASIL has delved more deeply into its electronic programs, it is learning about its role as a link in the information network by building on its nearly one hundred years of bringing together individuals working in international affairs, of publishing authoritative analyses and commentary in the *American Journal of International Law*, timely document collection in *International Legal Materials*, and of providing a resource center in the Tillar House library. Supported by the new electronic technologies, new forms of communication and information are appearing with the potential of creating a worldwide international law communications network. The two areas of particular interest (and concern) to the ASIL which this needs assessment will address are: 1) access to the technology and the quality of information flowing through it; and 2) the potential fragmentation which the volume of information might foster.

A. The ASIL Membership

It was clear from the formative stages of the needs assessment that an important source about international law information needs resides in the ASIL membership.

Assessing the information needs of the ASIL membership also had the advantage of asking principal users of international law information what in form and content they found most useful in international law information both from ASIL and elsewhere. Furthermore, as a membership organization, any efforts to use technology would have to pass a certain test of acceptability with ASIL members so their needs would need to be taken into account in any event.

The ASIL membership is approximately 4,300 members from over 100 countries. Forty percent of the ASIL membership resides outside the United States. Remarkably, the age spread of ASIL members is reasonably even. In asking about the use of technology, we have kept this demographic profile in mind, but decided to start with members who through some process of self-selection seemed most involved and acquainted with the activities and purposes of the ASIL. We decided to use a questionnaire to obtain pertinent information. The questionnaire is attached as Appendix I.

The survey was done principally by interview at the April 1997 ASIL Annual Meeting in Washington and at the Fourth Hague Joint Conference in The Hague in July 1997. In each instance, a research assistant from Pennsylvania State University sat down with an ASIL member and asked the questions taking at least 30 minutes with each, often much longer. We evaluated the sample of questionnaires resulting from this effort and determined that the results slightly over-represented the east coast of the United States.

We subsequently contacted a number of ASIL members from the western half of the United States and asked them to participate.

The resulting group of nearly 200 questionnaires is quite representative of ASIL membership as a whole – within 10 percentage points. For example, as of the last half of 1997 we found that 21% of the ASIL membership never uses e-mail (79% therefore use their e-mail) – the odds are overwhelming (10,000/1) that, for the entire 4,300 ASIL membership, between 11% and 31% of members, never use e-mail. These are a few of the more significant findings:

A. How willing and successful are you at using new information technologies?

1. Willing, eager and generally successful (44%)
2. Willing but major problems, e.g. equipment cost, too little time (50%)
3. Out of the loop – I don't and won't try (6%)

B. How often do you use the e-mail?

1. very often – daily (63%)
2. fairly often – several times weekly (16%)
3. never (21%)

C. How often do you use the World Wide Web?

1. very often – daily (38%)
2. fairly often – several times weekly (22%)

3. seldom or never (40%)

D. We listed a number of areas, e.g. *ASIL Newsletter*, publications orders, membership information, meetings programs, and asked how favorably disposed they would be to electronic versions of the information. Eighty percent (80%) were in favor of them as a *new, additional* mode of delivery. But we followed up and asked if they would be willing to give up the print versions of any of these materials. The results were revealing:

1. absolutely not – cannot give up print (50%)
2. perhaps would consider giving up print versions (41%)
3. all right to give up print (9%)

There are several clear and exciting implications flowing from this survey. First, the ASIL membership is not mired in a technological backwater as may be inferred from a perception of tradition and of the slow moving pace of change in international law. By and large our membership seems willing and eager to embrace new information technology modes. But they are cautious, want to do it right, and to guard their most precious resource, their time. Through technology, the ASIL has a rare opportunity to promote more interaction among its members than at any time in its history.

B. The ASIL Web Site: <www.asil.org>¹⁵

The inclusion of funding for an ASIL web site in the 1995 Ford grant proposal was extremely well-timed. Relatively few scholarly organizations had ventured into the *terra incognita* of the web (see Scholarly Society www Home Pages and Board-purpose Gopher Survey, 1995), but it was clearly the place to be.

The purpose of the ASIL website, its audience, and the possibilities of expansion were all considered at the planning stage. The initial design was authored by one person, circulated to staff for comment and correction, and then handed off to outside web design people for conversion into html. Subsequent updating of content has largely been handled by ASIL staff. This first web site worked well for about a year, when its shortcomings and other factors brought about a complete revision and upgrading to improve it aesthetically and allow for ordering of items, searches, guestbook and so on.

The current web site contains detailed information about many aspects of the Society of interest to members: information and contacts for joining the Society, descriptions and order forms for publications and programs and registration forms for meetings, as well as an Information Resources section that contains a concise, organized and annotated list of useful links for international lawyers, and the *ASIL Guide to Electronic Resources for International Law*. This section also occasionally publishes bibliographies on subjects of current interest from the ASIL Library, as well as linking to the "What's Online in International Law" column of the *ASIL Newsletter* which has the advantage over the print version of having links to the resources under discussion.

The new web site also increases the number of full-text documents offered to the public. Articles are selected from each issue of the *American Journal of International Law* and *International Legal Materials* to put online. The series *ASIL Insights* quickly puts out short commentaries and background information on topics of current interest such as the execution of a Paraguayan national by the Commonwealth of Virginia in April 1998.

The creation of <www.asil.org> has provided a platform for the Society to explore further Internet activity, including discussion forums, documents-on-demand, and databases online.

IV. Future ASIL Electronic Directions

A. Facilitating and Enhancing Member Communication

1. To expand the Society's ability to use electronic modes to interact with its members.

This builds directly on our needs assessment and web development projects. We know that our members are not technophobes who still use electric typewriters. In fact, 89% of our members use e-mail regularly. The figure for the WWW is 60% astonishing when one considers that five years ago, not more than a handful of ASIL members had heard of the web. We now have new members who join from our web site notice,

members who sign up for meetings, order materials, and receive advance notice of program information before the print versions reach them through the mail. We expect e-mail communication between staff and members to increase. We are encouraging more concerted use of web sites for ASIL interest group activities.

2. To create a substantive, monitored discussion group (list) on international law.

There is no doubt there is a need for a list dealing broadly with the substance of international law. There are specialized lists most of which are not monitored carefully. There is a library-oriented list, INT-LAW, that deals principally with issues of research. Often users wish to deal with substantive issues. Sometimes INT-LAW is useful in this regard. Often it fails because responses are uneven or those with particular political agendas dominate. The ASIL should set up and publicize a list. It would monitor the list, not to censure, but to provide some assurance of quality and to keep the volume and intensity of discussion balanced and at a manageable level. This would be aimed at anyone who wished to ask questions about the substance and current developments in international law potentially including not only members, but also the general public the general public. We would work with INT-LAW so we complement their effort.

B. Creating and Collecting Information Guides, Documents and Archives

1. The ASIL Guide to Electronic Resources in International Law¹⁶

The American Society of International Law conceived of the idea of building an electronic guide to electronic resources that were popping up in all formats – on

commercial services such as Lexis and Westlaw, on CD-ROMs, and increasingly (this was in 1995) on something called the World Wide Web

The plan was that in chapters each dealing with selected subjects, authors would not only explain the nature of researching their particular area, but also offer descriptions and critiques of available electronic formats. Finally, the *Guide* would offer links to sites on the Internet that were particularly useful. These would be updated on a regular basis both to insure the viability of the links and to review the content and currency of the chapters.

The *Guide* is being built gradually (it has six chapters so far), but already serves as a useful tool in demonstrating in a organized fashion the quantity of international law information becoming available on the web.

The four initial chapters of the *Guide* and their authors were:

Human Rights (Marci Hoffman, University of Minnesota Law School)

Treaties (Jill McC. Watson, ASIL)

The United Nations (Paul Zarins, Stanford University Libraries)

Lists, Newsgroups and Other Networks (Lyonette Louis-Jacques, University of Chicago Law School).

Two new chapters have just been added in the Summer of 1998 – on International Criminal Law (Gail Partin, Dickinson School of Law) and on International

Environmental Law (Anne Burnett, University of Georgia). The *Guide* is located on the web site of the American Society of International Law (www.asil.org/resource). It is updated about every six months, both to correct changes in links and URLs, and to add new developments in the subject covered.

Knowing that many international law researchers do not have the ready access to the Internet but are nonetheless eager to learn of and understand developments in the electronic information world, the ASIL has published a paper version of the *Guide*. Entitled *ASIL Guide to Electronic Resources for International Law*, it is No. 13 (January, 1998) of the series *ASIL Bulletin* and can be purchased from the Society. For international use, the paper version may be less distracting than the electronic version.

2. International law documents and substantive notices.

Drawing on the collection and management techniques developed for the Society's primary document collection, *International Legal Materials*, disseminating documents or listing of documents on the ASIL web site seems a natural new direction. Listings of documents collected with short abstracts is under consideration for trial. More difficult to determine is whether documents should be delivered or an electronic link provided keeping in mind that ASIL would have little control over the ongoing availability of the electronic material. Use and development of this resource will require a fluid and interactive partnership between the ASIL as information provider and the consumers of that information to stay up to date with what is available where.

Another need is in the area of managing and classifying the information found. A search engine or protocol would not only assist the user at a micro level, but also on a macro level by potentially linking together bodies of information to create a virtual library of international law documentation and resources. The search engine would have to be designed keeping in mind the user, work methods, and long term effectiveness.

3. Electronic Archiving of Important Materials

A result of the medium's labor-intensity is that creating new collections or initiating progress is easier than to maintain them or to archive important collections. Projects can require substantial capital investments to collect and to produce through scanning, keying or downloading from other electronic sources. Yet, as the user community increasingly becomes an electronic or non-electronic one, the availability of other non-electronic material becomes significant and reminding us that, for the moment, information available electronically *must* be supplemented by print materials. Due to production demands of archival projects, these have been slower to emerge, but are beginning to. JSTOR (Journal Storage) which will have online on a web site the long lists of over 100 titles in the humanities. JSTOR will include the *American Journal of International Law* in its collection.

The Society, however, will also have to undertake further archival work of its own in order to make known the many titles and reports produced over the years by our members on a host of international law subjects. A fully searchable on-line database with eventual links to the material where available electronically will be the goal. It will make

available the international law materials now collected on shelves in Tillar House to anyone with access to the web. This follows the distributed information scheme mentioned earlier in the paper where individual information sources provided the information they knew best for the collective use of all and made accessible through a common search mechanism

C. Evaluating and Tracking of Web Sites

No aspect of recent information technology has been so widely and rapidly adopted as the World Wide Web. Five years ago, the Web was known to only a small group of scientists working for governments or universities. Now the Web is discussed – and perhaps used – by 90 year old great grandmothers. The Society like virtually every other organization has climbed on the WWW bandwagon (www.asil.org) – but has done so carefully and deliberately. As part of this needs assessment, we undertook a critical examination of how the WWW is being used by other organizations.

Since there are hundreds of thousands of web sites and at least hundreds, if one limits the search to international law, we had to concentrate on more important international law sites along with some attention to organizations trying to serve a diverse, geographically dispersed membership. It is clear one needs an organized approach to judging the web sites. It is all too easy to get caught up in the visual fluff of sites. Further, the very nature of the WWW makes incredible diversity the rule: comparison necessarily becomes difficult.

We developed the following criteria to examine the web sites:

1. Content, use of links – What information is included? Is there an explicit statement of the *raison d'etre* of the site. Links are both the greatest strength and a potentially debilitating weakness of the WWW. There are a number of sites that are nothing but links. This means they do nothing but direct users to others' work. This can be valuable, but is limited by the strength of the sites to which links are made: there is no control of these save for careful monitoring. If a site consists entirely of links, is it accurate to call it a "library"?
2. Languages -- Is the site available in more than one language? If so, do the languages have equal footing?
3. Download Time – This gives an indication of how sophisticated a computer system is needed to make effective use of the site. Sites that require the most sophisticated computer systems will be used less often and less effectively.
4. Dates – Is it clear when the site was established and how often it has been updated?
5. Responsible people and organizations -- Is it clear who established the site and who takes responsibility for it? Ideally, the names and qualifications of those responsible for the content and technical aspects of the site should be included along with the organization that hosts the site. The nature of the web means that, potentially, a site

may have no “genuine link” between the people and institutions listed and those who do the work.

6. Amount of traffic – How much is the site used? This is a sensitive issue. Many sites trumpet how often they are visited, but assessing the quality of visits is next to impossible. Often traffic that does not go through the “front door” is not counted. Those who maintain and add to sites may visit them hundreds of times per day inflating traffic volume. More sinister, since the continuation of sites may depend on the volume of use, there are incentives for dishonesty.

Due to the number of web sites and the need to respect academic freedom, web site users may be the best ongoing monitor of web site quality. Objective factors such as those listed above are part of a set of evaluation criteria that organizations like ASIL might develop for general use. We anticipate that as the novelty of creating sites passes, the present volume of web sites will settle down to a smaller number committed to the maintenance of electronic libraries of information. The sharing and assessing of information presently for web sites is remarkably consistent with the ASIL’s tradition of involvement by our membership in all aspects of information use, production, and dissemination.

These sites illustrate many of the opportunities and problems that ASIL will have to address. It takes significant time and money to develop a web site, even an ineffective one. Even large, well-funded organizations invariably spend more money and take longer than anticipated. There is a certain rush to have a web presence even if the need

for, and nature of, the site has not been thoroughly assessed. Web sites are a continuing activity. Organizations must plan for on-going maintenance and updating lest sites become a net liability.

V. Conclusion

One of the objectives of the ASIL International Law Communications Network projects was “to identify the units of the international law communications network, to understand how each works, to assess their role in the network, and to determine what kind of electronic link, if any, would best support this network. With the assistance of individuals experienced in understanding information flows and working with international law experts, the project would examine each of the above components and produce an assessment of the international law communications network today with recommendations on what kind of action, if any, might be needed to support the network.”¹⁷

For this report, three roundtables were organized to assess and to consider ASIL electronic directions.¹⁸ The first was held in December 1995 and included senior international law scholar, Louis Sohn, with Paul Evan Peters who founded the Coalition of Networked Information, members of the ASIL staff, Paul Zarins, Douglas Bennett, and John Gamble. Paul Peters observed that the Internet had made remarkable progress in solving many of the major problems involved in the functioning of a sophisticated global network. He suggested that organizations like ASIL work in areas where technology has settled. Two such areas were in publishing on Internet and communication through e-

mail. Where technology was less settled was in the area of electronic document transfer. Peters further noted that while emphasis was often on speed, in fact, expectations of timeliness varied widely depending on the audience and the material. Sohn observed that his frustration with electronic information systems was that they included massive amounts of information without an intelligent way of using and understanding that information. Bennett emphasized the importance of professional associations functioning as guardians of quality in the new information age and as guides to the understanding of that information.

In December 1997, a small group of law librarians from universities, law firms, the U.S. Department of State and think tanks joined members of the ASIL staff, law academics and practitioners to review the Society's web site and Guide to Electronic Resources. We asked the participants to look both at the web site and the Guide before coming. A number had not seen the projects before. A clear conclusion was the need to use print to highlight and to complement the electronic. Other suggestions made included considering the web as a marketing and promotional tool; the need for frequent revisions; and the opportunity for advance notices or previews of materials as a way to build relationships with other information providers in international law. Echoing the session of two years earlier, the group noted that the technology made the creation of web sites easy, but maintenance and organization of the information on the sites would separate the more useful from the less useful sites over time. Specific to the Guide to Electronic Resources was a reaction that the Guide's purpose seemed ambivalent – is it a general guide or a source of immediate information. (The former appears to have emerged as the

principal purpose) The Society was encouraged to set up a listserv for consideration of substantive issues in international law, to develop a search engine to bring together materials of general interest, and to examine the potential of the Society's web site as a networking tool for members and a wider public interested in international law

The February 1998 roundtable was held at the University of California, Berkeley Boalt Hall School of Law. Participants included the director of the Law Library, academics including senior scholar Stefan Riesenfeld and practitioners from the private bar and from government. Participants at this roundtable noted that the future of information management was in the development of search engines and that the simplicity of the Society's electronic products was essential to ensure widespread and speedy accessibility. The Society was urged to consider the financial implications of any electronic information projects early in the project's development because of the labor intensity of this medium. The multiple functions and multiple audiences and users of the ASIL web site should be taken into account at the outset so that the expert user need not spend time going through layers of general information. Quality and time seemed two recurring themes – maintaining high quality over time and the speed of retrieval and the ease of use which principally was judged by how long it took to find the information sought. The relationship with print sources was considered particularly in discussions on the future of *International Legal Materials*. Most felt the ASIL needed to be vigilant in ensuring ongoing accessibility to important documents in international law and that *ILM* should be regarded as a paper archive that would endure beyond its electronic counterparts for the foreseeable future. General reactions to the ASIL's electronic efforts

to date was that the pace, style and content befit the ASIL as a first-rate professional organization. However, the Society was rapidly moving beyond the initial set-up phase and would need to be clear and thoughtful about purpose and audience of its web site initiatives.

“Demo or die” was what Paul Evan Peters counseled when we launched our International Law Communications Network Project in 1995. We have done so with each step adding to our capacity and understanding of the potential and challenge of electronic technology. Our work over the last two years directs us to pursue the following areas in the ASIL’s ongoing development as part of the international law information and communications network.

1. To form information-sharing partnerships with similar organizations in other countries and with other types of information centers, with publishers, with archives and with record centers.
2. To serve as a forum and meeting place for individuals and organizations to foster ongoing dialogue about opportunities and information-sharing.
3. To develop opportunities for ASIL members to communicate with ASIL staff and the international law community through ASIL sponsored and constructed electronic platforms.
4. To develop common protocols and search engines for an electronically networked legal information system.¹⁹

5. To ensure access to and understanding of international law information on the World Wide Web. To use guides to information to serve additional education and public awareness functions.
6. To provide quality control or rating system for electronic information in cooperation with others. The Law Librarian of Congress commented at the April 1998 roundtable on the Challenges of Electronic Resources, that presence was important, but quantity less so.
7. To keep abreast of financial and legal implications of project development for ongoing and collective solution.

Fundamentally, our purpose in exploring this terrain remains what Professor Vagts wrote in 1995 – to enable people to know what the law is.

¹ Max Planck Institute for Comparative Public Law and International Law. Public International Law: A Current Bibliography of Books and Articles.

² Detlev F. Vagts. "International Law Communications Network: Four Decades of Change." in Recht zwischen Umbruch und Bewahrung: Festschrift für Rudolph Bernhardt (Berlin: Springer Verlag, 1995), p.288

³ Detlev F. Vagts. "International Law Communications Network: Four Decades of Change." in Recht zwischen Umbruch und Bewahrung: Festschrift für Rudolph Bernhardt (Berlin: Springer Verlag, 1995), p.260

⁴ Remarks by Peter Stott in "Broadening Access to International Law Resources through New Technology." 89 ASIL Proc 10-13 (1995).

⁵ Stott, 89 ASIL Proc 12 (1995).

⁶ Coyle in Stott, 82 ASIL Proc 12 (1995).

⁷ Electronic Resources Guide Roundtable. Berkeley, CA, February 20, 1998

⁸ Organized by John King Gamble, Chair, ASIL Committee on Electronic Resources

⁹ Remarks by Roberta Balstad Miller in "Global Networks, New Technologies and International Law," 91 ASIL Proc 17 (1997).

¹⁰ Miller, 90 ASIL Proc 20 (1997).

¹¹ Miller, 90 ASIL Proc 20 (1997).

¹² Adapted from Charlotte Ku, "Baby, Bathwater, Computers, Networks and Shakespeare: The ASIL in 2007," 90 ASIL Proc 25-28 (1997).

¹³ Douglas Bennett, "The Changing Missions of a Learned Society in an Era of Digital Networks," address to the Center for Research Libraries, April 19, 1996, p. 3.

¹⁴ Remarks by Douglas Bennett, ASIL International Law Communications Network Roundtable, December 9, 1995.

¹⁵ This section was prepared by ASIL Director of Library and Information Services, Jill McC. Watson.

¹⁶ This section was prepared by ASIL Director of Library and Information Services, Jill McC. Watson.

¹⁷ Charlotte Ku, Grant Proposal to the Ford Foundation, August 1995. A full chronology of key elements of the development of this project appear as Appendix II.

¹⁸ Date and Participants of Roundtables Follow

December 5, 1995: Douglas Bennett, American Council of Learned Societies; John Gamble, Penn State, Erie; Louis Sohn, George Washington University National Law Center; Jennifer Krieger, ASIL; Charlotte Ku, ASIL; Paul Evan Peters, Coalition for Networked Information; Marilou Righini, ASIL; Jill Watson, ASIL; Paul Zarins, Stanford University.

December 7, 1997: Elizabeth Fabrizio, ASIL; Marci Hoffman, University of Minnesota Law Library and General Editor, ASIL Guide to Electronic Resources; Jennifer Krieger, ASIL; Charlotte Ku, ASIL; David Levy, ASIL; Jennifer Little, Carnegie Endowment for International Peace; Roberta Shaffer, Covington & Burling; Michael Singer, George Washington University National Law Center; Randy Snyder, U.S. Department of State; Jill Watson, ASIL; Maurice Wolf, Wolf Arnold and Cardoso.

February 20, 1998: Fred Abbott, Chicago-Kent School of Law; Frank Bauman, Portland, OR; Robert Berring, Director of the Law Library, UC Berkeley; Sam Bettwy, U.S. Department of Justice; David Caron, UC, Berkeley, Boalt Hall; Wiltrud Harms, UC, Berkeley School of Law Library; Marci Hoffman, University of Minnesota Law Library; Charlotte Ku, ASIL; Virginia Leary, UC Hastings College of Law; Michael Levy, UC, Berkeley School of Law Library; Neil Popovic, Heller, Ehrman, White & McAuliffe; Thomas Reynolds, UC, Berkeley School of Law Library; Stefan Riesenfeld, UC Berkeley; Samuel Trosow, Boalt Express Librarian, UC, Berkeley School of Law Library; Kathleen Vanden Heuvel, UC, Berkeley School of Law Library; Jill Watson, ASIL.

¹⁹ Miller, 90 ASIL Proc (1997)

Appendix I: Needs Assessment Questionnaire

1. How long have you been an ASIL Member? <3 yrs. 4-10 yrs. >10yrs.
2. How active have you been in the work of the Society?
3. Do you attend the Annual Meeting: Annually Every other year Specify
4. Are you familiar with the ASIL Bulletin? With ASIL Insights?
5. Would you be willing to assist the Society in the following ways?

serve on an advisory committee	host and organize a regional meeting
welcome new ASIL members	help to get other ASIL members involved
6. Generally, in what areas do you think ASIL has been effective? *Two areas were specified:*

communications and information (publications, meeting, briefings)	
networking (interest groups, member services)	
7. In what areas can ASIL be more effective?
8. How willing are you to use new technologies in your work? What have been the main obstacles to so doing?
9. What is the most sophisticated use you routinely make of technology related to your work in international law?
10. How often (times per week) do you use e-mail?
11. How often do you use commercial electronic services, e.g., Lexis or Westlaw?
12. How often do you use the WWW? Which international law-related web sites are most useful to your work?
13. How many on-line discussion groups do you belong to? In which are you most active?
14. If ASIL had a discussion group, would you participate? What should be the principal focus of such a group? ___ substance of international law ___ membership services ___ both
15. Did you know ASIL has a WWW home page? Have you ever used it? Any comments about it?
16. ASIL is considering a number of changes that would involve greater use of electronic technologies. Please give your reaction to each of them.

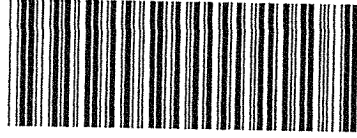
• ASIL Newsletter available on the WWW	• Ability to order materials electronically
• Check membership information electronically	• meeting programs
• ILM Preliminary list of documents	
17. How would you feel if any of the above changes had to come at the expense of current ways of presenting information? For example, if we dropped the printed Newsletter to concentrate on an electronic version?
18. Do you have specific ideas about how ASIL might use communications technology to better serve its members?

Appendix II: International Law Communications Network Chronology

- October 1995** award of \$143,000 grant from the Ford Foundation for the International Law Communications Network project.
- December 1995** a roundtable to identify issues and constituencies in the international law communications network including international law experts Louis Sohn and John Gamble, ASIL staff and information management experts
- March 1996** www.asil.org was unveiled.
- April 1997** refurbished www.asil.org released together with four chapters to the Guide to Electronic Resources to International Law; a needs assessment of electronic resources began through a survey of ASIL membership.
- July 1997** a survey of ASIL overseas membership at the Fourth Hague ASIL-NVIR Joint Conference
- September 1997** a roundtable review of the Guide to Electronic Resources in International Law with participation by academics, legal practitioners, and information management professionals.
- October 1997** visits to established print medium information providers (Max Planck Institute, Lauterpacht Research Centre and British Institute of International and Comparative Law) and newcomer electronic information provider (RAVE at Duesseldorf University).

- December 1997** roundtable review of the Guide to Electronic Resources in International Law, Washington, DC.
- February 1998** roundtable review of the Guide to Electronic Resources in International Law, Berkeley, CA.
- April 1998** Annual Meeting panel on The Challenge of Electronic Resources for International Law
- May 1998** Sponsor of Seminar on International Law in the Electronic Age: Implications for Researchers, Teachers and Practitioners, University of Hong Kong

X09029153



KL157 I6
International law in the
electronic age : implications
for researchers, teachers and
practitioners
[Hong Kong : The University of
Hong Kong, 1998]

