

1-1-2005

Séjour at the Swiss Institute of Comparative Law

Duncan Alford

Follow this and additional works at: <http://scholarship.law.cornell.edu/ijli>

The *International Journal of Legal Information* is produced by The International Association of Law Libraries.

Recommended Citation

Alford, Duncan (2005) "Séjour at the Swiss Institute of Comparative Law," *International Journal of Legal Information*: Vol. 33: Iss. 1, Article 6.

Available at: <http://scholarship.law.cornell.edu/ijli/vol33/iss1/6>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in *International Journal of Legal Information* by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

Séjour at the Swiss Institute of Comparative Law

DUNCAN ALFORD*

A colleague told me about the Swiss Institute of Comparative Law¹ when I first became a law librarian. I was researching European Union law and collecting French law and she mentioned that the Swiss Institute offered fellowships to researchers interested in comparative law.

Several years later, when my wife was in her last year of study at the Princeton Theological Seminary, I realized that at her graduation we would both possibly have the longest period of time between jobs until our retirements decades from now. When in the near future would we both have several months off at the same time? Then I remembered my colleague's comment about the Swiss Institute.

In the summer of 2003 I applied for a Van Calker fellowship at the Swiss Institute of Comparative Law in Lausanne, Switzerland.² In late August I received an email from the Swiss Institute informing me that I had been awarded a fellowship to study international banking law in June and July 2004.³

The Swiss Institute of Comparative Law is an independent research institute funded by the Swiss National Confederation. It is located on the campus of the Université de Lausanne just outside Lausanne on the shores of Lac Léman⁴ in the French-speaking part of Switzerland or *la Suisse romande*. The Swiss Institute was founded in 1974 with the mission of advising the Swiss national government on foreign law.

* Head of Reference, Georgetown University Law Library, Washington, D.C.; Van Calker Boursier (Summer 2004).

¹ Swiss Institute of Comparative Law: <http://isdc.ch/>

² Detailed rules on applying for the Van Calker fellowships are available on the web site of the Swiss Institute of Comparative Law: <http://isdc.ch/en/bourses-visiteurs.asp/4-0-10310-5-4-0/>

³ The attachment to the email informing me of the fellowship was entitled "Alford_oui."

⁴ Also known as Lake Geneva in English.

Legal specialists of the Swiss Institute draft legal opinions for the Swiss government and over the years its clientele has expanded to other governmental institutions (both Swiss and non-Swiss), law firms and the Council of Europe. Clients other than the Swiss national government pay fees for research conducted, legal advice and the drafting of legal opinions. The Swiss Institute also organizes and hosts conferences on current international legal issues.⁵ Proceedings and papers from these conferences are published by the Institute.⁶

In order to accomplish its work, the Institute has gathered a team of international attorneys, specialists in the laws of Europe, the United States, the Commonwealth nations, the Middle East and Asia. The entire staff of attorneys and librarians have extensive language capabilities. French is the local language, but English is commonly understood. Most of the Institute attorneys speak at least three languages fluently. Facility in more languages is not uncommon among the legal staff.

Supporting the legal team in their work is a library of foreign laws – one of the best in the world. The Institute is housed in a three story building with attorney and staff offices on the perimeter and the library in the center of the building. The collection focuses on comparative and foreign law. The Institute developed its own classification system which is now used in several Swiss law libraries. Almost every country lies within the scope of the library's collection.

The library has a unique law collection, in its breadth of coverage, its open stacks, and the completeness of its online catalog.⁷ Because none of the collection circulates, researchers have ready access to the collection unless it is in use by another researcher in the building or by the staff in their offices. In addition, the library subscribes to numerous online databases including Westlaw, LexisNexis, and Hein Online. The Institute also subscribes to

⁵ Recent conferences have focused on Internet gambling and food law.

⁶ *E.g.* Cross Border Gambling on the Internet : Challenging National and International Law (Zurich : Schulthess, 2004); *Gastronomie, alimentation, et droit: melanges en honneur de Pierre Widmer* (Zurich: Schulthess, 2003).

⁷ The entire collection is represented in the online catalog. The Institute uses SIRSI catalog software. The library has chosen not to use subject headings in its catalog. Therefore, researchers must search the catalog carefully to ensure relevant material is not overlooked. Browsing the stacks is frequently fruitful.

databases less well-known in the United States such as Jurisclasseur (French law), Italguire (Italian law), RDB (Austrian law), and JURIS (German law).⁸

The Institute's library collects foreign law in nearly 60 different languages. The depth and breadth of the collection is unique. For example, at the request of counsel at the Bank for International Settlements, a librarian at the Institute and I did a brief review of the Institute's holdings of the Central Asian nations – an extensive collection was found. The library even collects the laws of the Order of Malta, not the country of Malta and new EU Member State, but rather the Order of Malta, the last remnant of the order of knights founded during the Crusades. The library also houses a European Documentation Center, an extensive depository collection of European Union official documents. The EU collection is wisely placed on the same floor and adjacent to the European law collection, making comprehensive EU legal research convenient for the researcher.⁹

As a “boursier,” I was given an office on the first floor of the Institute in “boursier row” -- a series of offices where fellows conducted their research. All the offices had a window, with a computer and telephone. As a fellow, the Institute provided a studio apartment in Lausanne, a stipend for living expenses and a photocopy card. In my case, my wife and two children joined me during my stay. The Institute arranged for a two bedroom apartment in Lausanne several blocks from the lake and I paid the incremental rent above the rent for a studio.

My research focused on international banking supervision, in particular, the Core Principles for Effective Banking Supervision issued by the Basel Committee on Banking Supervision. I focused on the enforceability of this form of “soft law” and how it was implemented in the United States, the United Kingdom, France, Hong Kong and the European Union.¹⁰ The Institute had access to the laws of all these nations in open stacks as well as the major treatises on international banking law. The electronic databases also proved useful in insuring that I had researched all the relevant journal articles on the topic. In addition, the attorneys at the Institute were available

⁸ The Institute Library maintains a useful list of foreign legal web sites organized by country: <http://isdc.ch/fr/droit-ligne.asp/4-0-1960-5-4-1/5-0-1960-11-4-2/>

⁹ Only a five minute walk away and also located on the campus of the Universite de Lausanne is the Fondation Jean Monnet, where the personal papers of Jean Monnet, the “father” of the European Union, are located.

¹⁰ Or Special Administrative Region in the case of Hong Kong and supranational organization in the case of the European Union.

for consultations on legal issues related to my topic and the reference librarians assisted in identifying relevant sources.

Each boursier was required to give one presentation on his research during his stay. The presentations were generally more like structured discussions that gave insight into the topic and suggested other avenues of research. In addition to my presentation on my research, I gave a presentation on legal research in the United States. During my stay, I attended the presentations of other *boursiers* on topics that included the laws governing the Internet in Kazakhstan and Uzbekistan and antitrust law in Chile. Visitors to the Swiss Institute and Institute attorneys give presentations on legal topics on a regular basis. I attended interesting talks on Swiss copyright law and the history of regulation of the pork industry in Israel.

The interaction with the staff of the Institute was especially productive and informative. The staff had coffee together at 10:00 am each morning. I made a point of going as often as possible because I was able to meet the staff and other visitors to the Institute as well as an opportunity to meet socially with other fellows at the Institute. During my stay, I met fellows from Italy, Hungary, Chile, Kazakhstan, Turkey, Germany, Israel, and Romania. I frequently had lunch with the other fellows and attorneys at the University cafeteria (*la Banane* as it was called because of its semi-circular shape).¹¹ When not admiring the impressive view of Lac Léman and the French Alps in the background from the terrace of *la Banane*, we discussed legal issues in our respective countries as well as adjustments to living in Switzerland (particularly the high cost). I also had the pleasure of being invited to the homes of colleagues and meeting them on a social as well as professional level.

In addition to my work at the Institute, I also took advantage of my location in Switzerland to conduct some professional field trips. I attended the Academic Council of the United Nations annual meeting in Geneva in late June. Lausanne is just a 45 minute train ride from Geneva so we took several trips to this international city. I toured the library of the Institut des Hautes Etudes Internationales in Geneva with its associate director, Matthias Muller, and learned a great deal about this library of international affairs, which has nearly two thirds of its collection in English.

¹¹ The quality of the food was notably good.

The director of the Swiss Institute library, Jarka Looks, arranged a visit of the Tribunal fédéral for the *boursiers*. The Tribunal fédéral¹² is the Swiss equivalent of the U.S. Supreme Court. A *greffier*¹³ gave us a tour of the building located in the Parc Mon-Repos in the center of Lausanne and answered jovially our arcane questions on Swiss appellate procedure. Two *boursiers*, one from Chile and the other from Turkey, joined me on this tour which became a crash course on comparative appellate procedure and jurisdiction. We also briefly toured the court's library – the best collection of Swiss law in the world -- which unfortunately is not open to the general public.

I also visited the Bank for International Settlements (“BIS”) in Basel, Switzerland. The Basel Committee on Banking Supervision issued the Core Principles, the subject of my research, and is housed at the BIS. With Basel being just 3 hours by train from Lausanne, it seemed a waste not to interview the drafters of the Core Principles while I was in Switzerland. I had the pleasure of interviewing Elizabeth Roberts, the director of the Financial Stability Institute at the BIS who had previously served as one of the US members of the drafting team of the Core Principles.

While the events described above sound like serious work – and they were – there was also time for fun during the two months. Some of the more pleasurable events included:

- Walks along the shores of Lac Léman. The sun does not set until 10 p.m. or so during the summer in Switzerland;
- Lunch at La Grappe d’Or, one of the finest restaurants in Lausanne, with visiting family members;
- Visits to the Saturday open air market near the cathedral in Lausanne;
- The children’s first alpine hike at Chateau d’Oex in the Pre-alpes;
- Touring the Chateau de Chillon – the stereotypical castle with a drawbridge and moat and the setting for Byron’s *The Prisoner of Chillon*;
- People watching at the Montreux Jazz Festival;

¹² Tribunal federal <http://www.bger.ch/fr/index.htm>

¹³ A *greffier* is a permanent law clerk to the court, equivalent to a staff attorney in US courts. A *greffier* is typically assigned to a judge on the court.

- Attending the Olympic torch ceremony at Ouchy, the port near Lausanne, in June a few weeks before the 2004 Olympic Games in Athens;¹⁴
- Attending Sunday services at the Auditoire Calvin in Geneva where John Calvin, one of the leaders of the Reformation, preached and taught (very meaningful to my wife the new Presbyterian minister);
- Hiking in Interlaken on a picture postcard perfect day;
- Fourth of July in the south of France with friends; and
- Socializing with new friends at la Voile d'Or (the "family bar" according to my daughter) on the shores of Lac Léman.

On many levels, my two month fellowship at the Swiss Institute was very productive and enjoyable. I wrote a law review article on the Core Principles for Effective Banking Supervision¹⁵ and several shorter articles on international bank supervision.¹⁶ I met professional colleagues with whom I hope to stay in touch with over the years, both on the Swiss Institute staff and among the other *boursiers*. My family had the opportunity to live in Lausanne, Switzerland, and to experience life (however briefly) in one of the most desirable places to live in Western Europe. All in all, this was a great experience.

¹⁴ The headquarters of the International Olympic Committee is located in Lausanne as is the Olympic Museum.

¹⁵ The article will be published in the Summer 2005 issue of the *Boston College International and Comparative Law Review*.

¹⁶ A Shortage of Regulators, *National Law Journal* (Jan. 3, 2005); International Financial System Risks: A Current Assessment, 29 *J. Int'l Banking L. & Reg'n* 40 (2005).