OSALL aims to link and support everyone interested in Law Librarianship in South Africa

FROM THE CHAIR

The OSALL committee takes this opportunity to thank all our loyal members for their participation and commitment during the past year. I hope you will continue to support OSALL.

I wish everyone a safe and enjoyable holiday.

Fanus

EDITORIAL

The final Newsletter of the year includes a fascinating account by Charlotte Pitts (formerly of law firm Edward Nathan Sonnenbergs) of her experiences as a law librarian in the South Pacific. Danielle Botha reports on the best ever OSALL Year-end function and as usual the Newsletter includes contributions by regular columnists Mary Bruce and Nico Ferreira.

The Newsletter also contains mention of a new book on the Information needs of attorneys – written by UK information specialist Joelle Rogan for her MSc Information Science at City University.

A special thanks to all who contributed in keeping us informed. I invite everyone involved in law librarianship to consider writing an article for the Newsletter in 2010.

Wishing you a holiday season filled with love, peace and happiness.

Best wishes

Diana
FROM THE CRADLE OF HUMANKIND TO DARWIN
- Experiences of a law librarian from South Africa (Johannesburg), now living and working in the South Pacific (Port Vila)

Charlotte Pitts pitts_c@VANUATU.USP.AC.FJ

My whole Pacific experience started to evolve in June 2008 when a friend forwarded an ad from the IFLA jobs listserv advertising my current position. By then I had never even heard of Vanuatu, apart from wistfully looking at a map of the region when I read a book by David Lewis. He studied the ancient navigation skills of the peoples of this region.

Law Librarian Networks

Law librarians everywhere are definitely wonderfully supportive of each other. The law librarians participating in ALLA are just like our OSALL group: generous in their help to colleagues.

Soon after I arrived the first Pacific Islands Law Library Community Workshop was held at the University of South Pacific Campus in Port Vila from the 11-14 May. All the credit has to go to Nel Leonard and Karyn Gladwish of the Attorney General’s Office in Canberra for their incredible efforts to make this the success it was. They continue to assist us with the co-ordination of the Twinning initiative. They have matched up a Pacific law library with a comparable law library on mainland Australia. For example, USP is linked to the University of Notre Dame in Sydney. The idea is that the two libraries may build up a relationship for advice or the sending of superseded items to the Pacific. This is an incredible initiative and would be an example for us in Africa to try to emulate.

Isolation is the biggest threat to professional development here in the Pacific. In addition, the island nations are tiny compared to other countries on the mainland so this means the pool of librarians is also small. South Africa, being at the tip of Africa, is also very far from anywhere. So we have to pay attention to keeping up with world trends. As we are bigger than any of the single island nations we have a larger pool of diverse library expertise.

Most of the Pacific librarians do not have formal library qualifications. In South Africa library activities in our rural areas are also often performed by brave people with little or no tertiary qualifications.

State of Libraries

In South Africa library schools are closing down. My Australian counterparts verified a similar situation in Australia. In developing countries concepts of knowledge management and competitive intelligence are quite meaningless and dare I say useless? I also discovered that there are some debates in the Pacific about whom to include in professional library associations. It would appear that these associations can be quite exclusive and only consider librarians with academic qualifications seriously. This is a debate which raged in SA shortly after the new government took over. Now the focus is on equivalence. Consideration and recognition are given to on the job experience. This can be very debatable if you draw parallels with the medical profession, for example. You cannot have someone who does not have the qualification performing the operations. Although it has come to light in SA that the assistant (Hamilton Naki) whom Chris Barnard (the late heart surgeon) trained up from being a gardener was well able to do a heart transplant all by himself. There is a bit of controversy around this story, but it is thought provoking whatever the truth may be.

In South Africa libraries in general seem to be taking a very low priority. Many municipal libraries do not even have a budget. In any developing country we need nitty gritty information and knowledge that can be found in traditional media and which needs to be made available via various technological avenues like the Internet or an Intranet.
Technology

Which brings me to technology. SA is known for slow internet access and, until recently, little competition in the telecoms sector. This is changing. In the last year, roads have been dug up for the laying of fibre optic cables, Competition is increasing particularly in the mobile phone sector.

In Vanuatu internet is slow. The mobile sector is speeding up: TVL now has to watch what Digicel is doing. They have to hurry to get me back to what I had – I did my whole job application via email on my mobile phone back home. I would also synch with my work machine to eliminate and answer emails while sitting in traffic on my way to work. Since we have no traffic here, I probably do not need that level of functionality! I take a total of about 20 minutes to and from work.

In developing countries (although South Africa also has one foot in the first world) which are also geographically isolated, telecommunications needs to be a non-negotiable at all levels. The world is globalised and it is only with telecommunications that these countries can attempt to keep up. Any lawyer in whichever area has to be certain that they are using up to date reliable information. This can only be achieved with adequate telecommunications infrastructures.

I was reassured to see that the UN Economic and Social Commission for Asia and the Pacific: Committee on Information and Communications Technology emphasized this point at a session held from 19-21 November 2008 in Bangkok: “the Committee recommended that the secretariat prioritize its activities … related to enhancing Pacific connectivity for improved ICT access … a study on viable options for deploying satellite technologies to geographically challenged countries in the region, particularly Pacific island developing countries”.

(Source: UN Economic and Social council: Economic and Social Commission for Asia and the Pacific: Committee on Information and Communications Technology E/ESCAP/CICT/6, 13 January 2009)

Facilities and Resources

It was clear to me from my very first week in Vanuatu that I have been very privileged with facilities and resources back home. I will NEVER complain about the air-conditioning again! I have no air conditioning to complain about where I am now. Apart from temperature control for people, the books suffer too. The high humidity causes mould. In South Africa dryness is the problem: the labels fall off because of dryness; pages become brittle and binding cracks. Here nothing sticks for long because of humidity. Not even a plaster sticks if you cut your finger. In SA we often go without rain for at least 6 months. Hard to imagine that now with showers every 5 minutes.

In Vanuatu all the stationery and specialized library equipment has to be imported – at huge cost. Things cost triple what I am used to paying and this proportion increases when compared against the local value of money. I am ashamed at what have clearly been a lot of wasteful habits back home. Here there is a heavy emphasis on recycling/reusing and saving at all levels – like switching lights off that are not immediately necessary in office areas, reusing card pockets from books that are being discarded. Nothing is ever really discarded. There is always another library (even though Port Vila is tiny) that is happy to take over a superseded volume or the loose issues of law reports for which we have received a bound volume. And we just do it – pack the items into a box and send on. In Port Vila it is easy as everyone who gets anything is literally around the corner.

Collections

When I first walked in the collection held familiarity for me. All the English cases were there to reassure me. The fact that all the major publishers are represented globally is also good. Formats are the same – our All South African law reports look like the Australian law reports. We also have full sets of the UK cases (Appeal Court, Chancery Division etc) in SA and in Vanuatu.

Have you ever thought twice about binding? Good binders in SA are a dying breed, in Vanuatu they do not exist. This is a major problem as we have many overused and broken volumes in dire need of repair. The bulk of our regular binding is sent once a year to the Suva campus in Fiji who do a good job. We would also like to preserve certain publications like newspapers. The Emalus Library tries to preserve most of the Vanuatu materials.

Government Gazettes and Legal Publishing

A word on government gazettes … whoever thought they would provide reassurance? The formats are similar, often with quaint turns of phrase, mistakes, quirks and inconsistencies. In South Africa we have 11 official languages. However it would be a logistical nightmare to translate everything that needs to be published in the gazettes. Tacitly English is becoming the main language. Every now and again a key piece of legislation or one that is specific to a geographical area might appear in the main language of that area. Here in Vanuatu the gazettes appear in English and French. Bislama is not used although it is one of the official languages. Vanuatu has one of the highest densities of language per capita in the world. There is a strong move at present to promote the use of French
to raise its status as there is a feeling it has been neglected.

A service such as the one offered by Sabinet would be wonderful in the Pacific. However, the market for a similar service in the South Pacific is very fragmented and small. Any publisher has to meet bottom lines and make profits. We have similar problems in other countries in Africa to do this service. Also a commitment and consistency of supply from the various government printers of the raw material needs to be present. This is a challenge anywhere.

This leads me to the issue of free public access to legal information. A huge problem all over Africa is the free access to “good” information. Even if there is access, for example, to government gazettes the information is not easily searchable and therefore “accessible” in the true library meaning. Some of the publishers are starting to focus on specific countries and liaising heavily to get commitment and follow through with the supply of data. One of the most difficult African countries for obtaining legislation is Angola. Nothing is properly documented anywhere. This is also a legacy from the long civil war. One has to liaise with a correspondent at a huge cost. Everything is of course in Portuguese. In South Africa the commercially published body of statutes is reliable apart from the odd errors which can creep in. The Pacific does not have this.

When using Pacific legislation there are a number of things to watch out for. Each island nation has a slightly different way of publishing their government information. At some point some of them have made attempts at providing compilations and consolidations of Acts or Statutes. Great care needs to be exercised when using these materials to establish exactly how they work.

For example I discovered that in the Vanuatu consolidations, they have edited out the section dealing with the dates that an Act comes into force. This authority comes from the Consolidation of the French and English Text of the Laws of Vanuatu, [Cap. 295] (Vanuatu). This was originally published as Act 20 of 2003. In Tokelau legislation also governs this type of editing and use is made of the word “spent”. Omissions such as commencement date sections may be made if certain legislation is already in force. This can lead to confusion for legal practitioners who have a matter predating the repeal or commencement date referred to.

In South Africa nothing may be edited at any point, not even a mistake, unless there is a subsequent GG notice to this effect. Many of the files and volumes in the Pacific collections are physically breaking up with no hope of replacement.

In Vanuatu there is also a large body of legislation which was taken over from the colonial powers. To date it has not yet been rewritten into the local sequence of legislation. Often we have to look up the UK Sale of Goods Act 1893. An Act such as this one is no longer current in the UK.

This gives weeding another dimension. There might be old Acts in books which we still need to refer to, and which are no longer in force in the country of origin, and would lose in a normal weeding programme. The paper component in Pacific libraries will always be important. I am certain that a lot of their material might never become electronically available.

Case law is another challenge. By the sounds of things similarities between the islands and South Africa are a question of degree. If you do not have the exact reference to an unreported judgment you will not obtain it. The various courts are in various levels of chaos and very poorly resourced. Key staff members usually leave for better paid positions in the private sector.

PACLII and SAFLII

Ironically I seem to know more about PacLII than SAFLII as PacLII is housed on the USP campus in Port Vila. What is clear for both of them is that they will probably be the only repository of the major part of their countries’ legal information. This differs from the LLIs for Australia or Britain who perform alongside the huge commercially available text and online resources. Both PacLII and SAFLII face similar difficulties in obtaining their information. There is always the problem of a reliable supply of the information as it becomes available; some countries feel that selling their legislation is a possible source of revenue and therefore do not want it to be available free of charge via an LII on the Internet.

Legislation affecting the Workplace

In South Africa the Broad Based Black Economic Empowerment Act is key in all aspects of business life. It has its roots in correcting the well known imbalances of the past. Any employer is obliged to work towards employee quota goals to rectify the imbalances from the apartheid era. This filters right through to procurement. In other words companies cannot be seen to be obtaining supplies (services or commodities) from companies who are not compliant. Law libraries have to keep their employers informed of the latest legislation in these areas as well as making moves themselves to be compliant! I had to go through
an exercise of categorizing all my suppliers by asking them to supply data according to the requirements of the legislation.

In Vanuatu the emphasis of the business legislation is to ensure that Ni-Vanuatu people benefit from all the main commercial business which seems to be in the hands of foreigners (expats) – mostly Australians and Chinese. The relevant legislation is Foreign Investment Promotion Act 1998 (Vanuatu). It imposes an obligation to hire and train Ni-Vanuatu workers whenever possible and present a detailed training plan; it provides a list of reserved activities which may only be performed by Ni-Vanuatu people.

The Financial Intelligence Centre Act has had a profound impact on how everyone at every level in business does their business. This has arisen from the need to “know your client” in an effort to curb money laundering and fraud. The equivalent legislation in Vanuatu is governed by the Financial Institution Act [Cap. 254] (Vanuatu) and the Prudential guidelines issued by the Reserve Bank.

Conclusion

For me the Twinning Programme has been the most impressive part of my Pacific experience. There are many similarities in the challenges faced in the Pacific with those back in Africa. Like my computer consultant back in Johannesburg always said to me “libraries are all the same yet not the same”.

INFORMATION NEEDS OF LAWYERS

Joelle Rogan, Information Specialist with Edexcel Information Service has written a book called Information needs of lawyers: a case study evaluating the information needs of lawyers in a major city law firm. The book was written in 2003 for her MSc Information Science at City University and was published in October 2009.

The research is a case study of a major city law firm. The aims of the project are to discover the information needs and information-seeking behaviour of lawyers in this firm and whether the library is providing a completely satisfying service for the lawyers and if there are any improvements to be made. The case study was carried out by means of in-depth interviews with several lawyers of different levels of experience and status, professional support lawyers and law librarians. This evidence was supplemented by the author’s observation as a member of the library team.

Contact Joelle on tel. +44(0)2071905059 or joelle.rogan@edexcel.com to purchase a copy of the book.

ENDING THE YEAR WITH A KICK-OFF: OSALL Year End Function, 3 November 2009

By Danielle Botha

The Year End Function (sponsored by Juta) was a smashing success! With the FIFA World Cup around the corner, the theme was soccer-orientated: “Play the Advantage for 2009: the Librarian Championship”. On entering the sporty Scrooge’s Diner at the Brightwater Commons in Randburg, members were greeted by the sight of colourful red and green cocktails, and welcomed with a cap and a green T-shirt. Each T-shirt had a player number on the back, which corresponded with the table numbers so that new acquaintances could be made. Each table was then given the opportunity to pick a team name and think up a war-cry.
Salome Vranas with the t-shirts she embroidered for the function

The Juta ladies: Adele, Lizette and Pappy & jukebox

With the Juta staff as the judges, each team went to work to show off their quick-thinking skills. The team efforts were most original, and extremely entertaining, but in the end the prizes were handed to the "Laduma Librarians" who won best team name and to the "Info-Power Girls" who won the best war cry for their chorus:

We are much more than you can know,
We are O-sall!
Together we connect –
Together we direct --
People to in-for-ma-tion.

Gail Dendy's acrobatic moves certainly deserved the prize!

The Info-Power Girls in Action

Another team doing their war-cry

The members’ exertions were rewarded by a lovely spitbraai, with fresh salads, garlic bread and chicken, beef and lamb off the spit. Dessert was a choice of divine chocolate mousse or dreamy strawberry cheese-cake, and the jukebox provided an extra fun atmosphere.

Lucky draws with mini vuvuzela’s as prizes added to the festive feast.
An interesting place to be on the calendar: approaching year-end, decade-end; so much to look forward to, and so much under the belt.

Hard to believe that ten years ago we were in the midst of the hyper-marketing of Y2K warnings, wondering whether our hard-drives/CD players/breadmakers/pacemakers were going to reformat themselves on the stroke of midnight and we’d awake to morphed mosbolletjies ruling the kitchen. What, you didn’t risk leaving the breadmaker on? Ok. Starting the new century with an awareness of the fallibilities of computer systems was probably not a bad idea; we’ve certainly seen plenty of malicious software in circulation, been introduced to porn spam bots like it or not, become familiar with the concepts of keylogging/phishing/Trojans and so on. Fortunately all of this has more than been put into perspective by all the positives.

Search/retrieval was huge in 1999/early 2000s as we accustomed ourselves to the sudden vastness of free online information. Identifying reliable sources became more of a challenge, particularly since the mid-2000s as everyone and his auntie was empowered to publish online. Obviously search is still huge and will continue to be so, but there is now a profusion of ways to access online information that were not even a twitter in somebody’s eyeball in 1999.

Without a doubt, social networking will in retrospect be the development of the decade. Apart from having access to hitherto uncaptured information and opinions, potential to communicate is at an all-time peak.

Likely most of us have profiles on Facebook. I’ve found this to be the perfect forum to catch up and keep up with friends as they move around the world. It’s become an additional way to keep in touch with my teenager and our respective walls glisten with comments across the generations. Its also introduced me to people I physically would not have been able to meet. An interesting relatively recent development within Facebook has been its overtures to the business community which have been reciprocated a hundredfold. The first instance of a business application I came across was Dave Matthew’s band which used its profile to promote tours, sell soundtracks, accept concert bookings as well as communicate with their followers. Now most high-profile companies are to be found on Facebook and many that aren’t are seriously considering being present in this forum.

Mxit is no longer the domain of teenagers. There’s a way to go before we fully utilise the potential of chatrooms within our community but the technology is there.
Although I’ve only been using Twitter for a matter of months, it became an indispensable tool for accessing current information as soon as I was able to fine-tune the profiles that I follow. It will be interesting to see how this service adapts in the next five years.

My other favourite ‘new’ subscription is Delicious, a bookmarking facility of note. It describes itself as “a social bookmarking service that allows users to tag, save, manage and share web pages from a centralized source. With emphasis on the power of the community, Delicious greatly improves how people discover, remember and share on the Internet”. I have no doubt there is a lot of functionality which I have yet to discover but so far I’ve used it to record my favourite URLs along with a brief description and tags that I can either choose for myself or select from a list of established headings. This enables me to access them from anywhere at all that I have connectivity and share them online with others if I wish to. There is a section set aside for links to share with PLT students in a few month’ time; a photographic section for sites that I just love looking at when I need timeout; each online application I use has a unique heading. Short of ideas? See what others have been bookmarking. If you don’t already use this service, check it out.

Google Wave has yet to prove itself but, strangely, a group of attorneys have so far been the most enthusiastic users I’ve come across.

To infinity and beyond!

Opinions expressed in this column are my own and not necessarily those of my employer.

Please send suggestions and contributions for future columns to mary@lawsoc.co.za and/or d.riley@bowman.co.za

**PUBLICATIONS NOTED**

Compiled by Nico M Ferreira
University of South Africa Library
ferrenm@unisa.ac.za

**JOURNAL ARTICLES**


Dean, O. Defending its turf: FIFA combats ambush marketing, in WIPO MAGAZINE, August 2009, p. 6 - 7.


NEW BOOKS


Corder, H. Global administrative law: innovation and development. 2009. Juta. ISBN 9780702181894 ZAR475.00 (First published as Acta Juridica 2009)


Hafez, Z. Key documents and research materials in international law. 2009. WS Hein. ISBN 9780837716855 USD125.00

Hare, J. Shipping law and admiralty jurisdiction in South Africa. 2009. Juta. ISBN 9780702179464 ZAR1150.00


Tired of paying too much for P I Insurance?

Contact Michael Damant, Underwriting Manager, on Tel: 011 486 4347 | Cell: 082 77 55221 | Fax: 086 611 3226

www.shackletonrisk.co.za
Amler’s Precedents of Pleadings, 7th edition
If it’s a question of pleadings … the answer is Amler’s

Order your copy before 31 December 2009 and SAVE R100*!

Your user-friendly guide to questions of pleadings and causes of action.

The new edition to this well known title offers legal practitioners, advisers and law students a quick and easy guide to pleadings and causes of action.

This updated edition:
• Includes latest legislation and case law
• Contains notes explaining the precedents and succinctly setting out the law as applied by and developed in the courts
• Includes an index, a table of cases and a table of statutes
• Contains sample precedents to assist the busy legal professional with the drafting of pleadings

Author: LTC Harms
BA LLB, Judge of the Supreme Court of Appeal of South Africa Deputy President of the SCA; Professor Extraordinary (UFS), LLD(hc) UFS.

Order your copy today and call 0860 765 432
or visit www.lexisnexis.co.za