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A Guide to International and Foreign Legal Research Online

Jennifer L. Selby

University of Michigan Law School, jsselby@umich.edu

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A Guide to International and Foreign Legal Research Online

Today, legal researchers in foreign and international law can enhance their search capabilities with web-based resources. However, a few caveats about doing foreign and international legal research on the web include: 1) not all material is available through the web, and the web is not always the fastest way to obtain materials; and 2) the web can be a good source of current and recent information, however, often older legal materials are not found on the web.

In addition, a distinction should be made between foreign/comparative law and international law. International law refers to the law between or among nations, and is known as "public international law." This area of the law, for example, includes treaties, agreements, and conventions. Alternatively, private international law covers issues of choice of laws involving domestic law across international boundaries. This is generally referred to in the United States as "conflict of laws."

Foreign law refers to the domestic laws of a particular, non-U.S. country, such as France or Venezuela. "Comparative law is the study and comparative evaluation of the differences and similarities in several legal systems."¹ The two major legal systems in the world are common law, which is followed in the United Kingdom and the United States, for example, and civil law, which is dominant in continental Europe, Latin America, and parts of Africa and Asia.²

It is also important for a researcher to understand that there are areas that may require knowledge in both international and foreign law, such as transnational or cross-border matters.³

International Law and the Law of International Organizations

An excellent portal for international electronic resources is the *ASIL Guide to Electronic Resources for International Law*,⁴ The

American Society of International Law, <http://www.asil.org/resource/home.htm>. This guide covers topics such as treaties, the United Nations, and other international organizations. It also covers specialized legal research topics, including human rights, international criminal law, international commercial arbitration, international economic law, and international environmental law.

LLRX International Law Guides, http://www.llrx.com/international_law.html, are also helpful online research guides on various international law topics and written by law librarians. The guides provide links to other resources, including international organization websites and books.

Treaties

If the controlling law in question is a treaty, convention, or agreement, then the research query must begin with the relevant text. The researcher must determine who are the participating bodies in the treaty or agreement. The document may be multilateral and involve the United Nations, or may involve the U.S. government, non-U.S. governments, international organizations and Secretariats (IGOs), non-governmental organizations (NGOs), and other sources. The treaty section of the *ASIL Guide*, <http://www.asil.org/resource/treaty1.htm#sect25>, provides a comprehensive guide in this area, including introduction to treaty research, how to determine the status of treaties, and other materials about treaties.

The United Nations *Treaty Reference Guide*, <http://untreaty.un.org/English/guide.asp>, sets forth basic definitions of the "international instruments binding at international law: treaties, agreements, conventions, charters, protocols, declarations, memoranda of understanding, modus vivendi, and exchange of notes."

An excellent online guide for researching only U.S. treaties and agreements can be found at <http://www.llrx.com/features/>

untreaty.htm.⁵ A companion guide for researching non-U.S. treaties is http://www.llrx.com/features/non_ustreaty.htm.⁶

All treaties considered by the U.S. Congress from 1996 (104th Congress) to the present may be found full-text online at <http://thomas.loc.gov/home/treaties/treaties.htm>. Agreements and treaties from 1968 (90th Congress) list at least the title and status of the documents.

A major collection of multilateral treaties online is the *United Nations Treaty Collection*. This resource is a fee-based service and may be accessed online while at the University of Michigan Law Library, <http://untreaty.un.org/English/treaty.asp>.

United Nations—UN

Two excellent guides for researching the United Nations include *ASIL's Guide to Electronic Resources* for the UN, <http://www.asil.org/resource/un1.htm>, and the United Nations Dag Hammarskjöld Library's research guide, <http://www.un.org/depts/dhl/resguide/>. These guides provide information on the background of the UN, document symbols and documentation, and the relevant bodies of the UN.

United Nations documents generally may be found on the UN documentation website, <http://www.un.org/documents>. This site links the user directly to the documents of the General Assembly, Security Council, Economic and Social Council, Trusteeship Council, and Secretariat. The website also links to the documents of the International Court of Justice.

An extremely helpful online index, *Access UN*, http://cgi2.www.law.umich.edu/_LibraryResearchLinks/resource.asp?cat=United+Nations, is a fee-based service and may be accessed online while at the University of Michigan Law Library. This resource is an index to the *Readex Microfiche Collection*, which also is accessible at the University of Michigan Law Library. The UN documents indexed include

Official Records, masthead documents, draft resolutions, meeting records, UN Sales Publications, and the UN Treaty Series citations. *Access UN* additionally includes the full-text of several thousand UN documents.

European Union—EU

There are many helpful online guides to finding documents of the European Union. One excellent guide was created by the Delegation of the European Commission to the United States, <http://www.eurunion.org/infores/resguide.htm>. The delegation also provides a portal to the most relevant websites within the EU, *A to Z Index of European Union Websites*, <http://www.eurunion.org/infores/euindex.htm>. Another useful guide, *Researching the Law of the European Union*⁷ may be found at <http://www.law.umich.edu/library/refres/researchguides.htm>.

The EU provides a comprehensive portal site with links to the relevant bodies of the

European Union at *Europa*, http://europa.eu.int/index_en.htm# (under Institutions). These bodies provide access to selected official documents and their activities, and include the *Parliament* (http://www.europarl.eu.int/home/default_en.htm), *Council* (<http://ue.eu.int/en/summ.htm>), *Commission* (http://europa.eu.int/comm/index_en.htm), *Court of Justice* (<http://curia.eu.int/en/index.htm>), and the *Economic and Social Committee* (<http://www.esc.eu.int/pages/en/home.asp>), among others.

The main source of official documentation and legislation of the EU online is found at *Eur-Lex*, <http://europa.eu.int/eurlex/en/index.html>. This site includes links to the *Official Journal*, treaties, legislation in force, legislation in preparation, parliamentary questions, case law (including the Court of Justice, Court of First Instance, and European Court of Human Rights), and other documents of public interest (such as COM

Documents from the Commission). This site should be consulted in addition to the individual sites for the particular bodies, as listed above.

World Trade Organization—WTO

The following online research guides provide succinct information on how to research GATT and WTO documents, including background information on the organizations: *LLRX WTO/Gatt Research*,⁸ <http://llrx.com/features/wto2.htm>, and *From the GATT to the WTO*,⁹ <http://www.ll.georgetown.edu/intl/guides/gattwto>.

The official documents of the WTO may be found online at <http://docsonline.wto.org/?language=1>. These include legal texts of agreements, official WTO documents from 1995 to present, and selected Uruguay Round and GATT documents from 1986–1994. The database additionally provides access to dispute settlement documents

at http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm.

Selective Other International Organizations and International Tribunals

The following list includes important international organizations and tribunals, along with links to the relevant websites providing official documentation for each body:

- *NAFTA*: <http://www.nafta-sec-alena.org/english/index.htm>
- *International Labor Organization (ILO)*: <http://www.ilo.org>
- *Organization of American States (OAS)*: <http://www.oas.org>
- *Inter-American Commission on Human Rights*: <http://www.cidh.oas.org/publications.htm>
- *Inter-American Court of Human Rights*: <http://www.corteidh.or.cr/index-ingles.html>
- *International Criminal Court*: <http://www.un.org/law/iccl/>
- *International Criminal Tribunal for the Former Yugoslavia (ICTY)*: <http://www.un.org/icty/>

- *International Criminal Tribunal for Rwanda (ICTR)*: <http://www.icttr.org/>

Foreign Law

One of the best online resource guides for primary foreign law research is the *Foreign Law Guide: Current Sources of Codes and Basic Legislation in Jurisdictions of the World*.¹⁰ This resource is a fee-based service and may be accessed online while at the University of Michigan Law Library, http://cgi2.www.law.umich.edu/_LibraryResearchLinks/resource.asp?cat=Foreign+Law, and may also be used in paper. This guide outlines the legal systems of the countries of the world and discusses sources of primary law for each country. The guide also provides some secondary legal resources.

An excellent portal site is *Foreign Primary Law on the Web*,¹¹ <http://www.law.uh.edu/libraries/ResearchGuides/foreignprimarylaw.html>. This resource links to other websites that provide primary law information for individual countries.

Another good portal site is *LLRX Comparative and Foreign Law Guides*, http://www.llrx.com/comparative_and_foreign_law.html. This site provides links to topical research guides for various countries from Algeria to Yugoslavia.

FindLaw is also a helpful portal to consult for foreign legal material, <http://www.findlaw.com/12international/>. This site arranges materials alphabetically by country, and also contains links to regional resources and U.S. Embassies.

There are many additional websites that provide access to foreign law information online. Some law schools or law libraries maintain useful sites, such as <http://www.library.law.columbia.edu/foreignguide.html> (Diamond Law Library at Columbia Law School), and http://www.law.nyu.edu/library/foreign_intl (New York University School of Law Library). ♦

Jennifer L. Selby received a B.A. in chemistry with honors from Michigan State University in 1993, and a J.D. with honors and a specialization in intellectual property from Chicago-Kent College of Law, IIT in 1996. She was admitted to the State Bar of Michigan in 1996 and to the United States Patent Bar in 1997, and practiced law at the intellectual property firm, Harness, Dickey & Pierce, P.L.C. In 2001, Jennifer graduated with honors from the University of Michigan School of Information, and is now the International Law Librarian at the University of Michigan Law Library. She is a member of the State Bar Committee on Libraries, Legal Research, and Legal Publications.

FOOTNOTES

1. Reynolds, Thomas H. "Introduction to Foreign and Comparative Law." In *Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research*, edited by Jeanne Rehberg and Radu D. Popa, 47. Buffalo: Rothman, 1999.
2. *Ibid.*, 47-48.
3. *Ibid.*, 113, n 2.
4. Watson, Jill and Marci Hoffman. American Society of International Law and Georgetown Law Center, respectively.
5. Hoffman, Marci. Georgetown University Law Center.
6. Weigmann, Stephanie.
7. Tice, Beatrice. University of Michigan Law Library.
8. Rehberg, Jeanne. New York University Law Library.
9. Schaffer, Ellen, and the International and Foreign Law Department. Georgetown University Law Center.
10. Reynolds, Thomas H. and Arturo A Flores. University of California at Berkeley Law Library.
11. Mulligan, Tim and Chenglin Liu. University of Houston Law Center.