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## Foreign and International Legal Research

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# Global Lawyering Skills

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# GLOBAL LAWYERING SKILLS



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## CHAPTER 23

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# FOREIGN AND INTERNATIONAL LEGAL RESEARCH



*By Maureen Moran*<sup>1</sup>

### A. INTRODUCTION

As you have been learning, the American legal system is only one of hundreds in the world. Each of those legal systems has its own rules, sources, and authorities. But these systems do not exist in a vacuum.

What rules govern when two or more States or entities interact? What are the enforcement mechanisms? The study of these questions comprises the fields of foreign law and international law. The purpose of this chapter is not to give you a comprehensive review of all the resources available for researching this vast field of law. Rather, the goal is to give you enough of an overview to get you pointed in the right direction when faced with an issue of foreign or international law.

### B. CATEGORIES OF EXTRA-TERRITORIAL LAW

When presented with an issue involving extra-territorial, or non-domestic U.S. law, it is helpful to understand the different categories into which this law is divided.

**Foreign Law.** The domestic law of any State other than the United States is considered “foreign law.” This is the law that applies within the borders of that State, just as domestic U.S. law applies within the U.S. However, just as U.S. law may apply in some instances outside of the country’s borders, so may foreign law sometimes be applied in U.S. courts.

For example, in a case involving an international shipping contract, the contract may specify that the substantive law of a foreign nation controls in any action brought to enforce the terms of the contract. So where a U.S. party and a Greek party enter into a shipping contract, which may be adjudicated in any court in either country but which specifies that

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<sup>1</sup> This chapter relies on the research guides written by Paul Howard and Jack Schroeder of the McGeorge School of Law, Law Library. Special thanks to Jennifer Wertkin of the Columbia Law School, Law Library for her work reviewing the chapter.

Greek law must apply to any dispute, a U.S. court deciding a case brought under the contract would apply Greek law when making its decision.

**International Law.** International law is the law governing the interactions between States and between States and private persons, corporations, or organizations based in another State. International law is usually divided into private and public international law. *Private international law* concerns the rules that govern jurisdiction, choice of law, and enforcement of judgments in private disputes involving more than one jurisdiction. *Public international law*, on the other hand, consists of the rules and principles governing the conduct of States and international organizations in the international sphere, as well as the relations between those States and international organizations and natural or legal persons. There are several sources of public international law.

These sources include the following:

- **International Agreements.** These include treaties, accords, and other formal agreements between States and between States and international organizations. These may be bilateral (between two parties) or multilateral (between more than two parties), and may include reservations or other limitations by the signatories. International agreements also include United Nations agreements, as well as agreements generated by the European Union and other multinational organizations, such as the United Nations.
- **Customary Law.** Customary law is the principle that, when a practice or rule becomes a custom—when it is the way things have been or usually are done—that practice or rule takes on the character of law.

For a practice or rule to become customary law, the States or organizations involved must follow the rule or practice out of a sense of obligation, so that the practice or rule is accepted by the parties involved to be legally binding and not simply a courtesy. Thus, even if a practice is widely followed, it does not necessarily take on the force of law unless there is evidence that the parties are treating the practice as a legal obligation that they are not free to depart from. Evidence that a rule has become customary law may be derived from international judicial and arbitral decisions, national judicial decisions, scholarly writings, and pronouncements by States.

- **General Principles.** These principles are sometimes used as supplementary rules where appropriate; the rules must be common to the major legal systems of the world. General principles differ from customary law in that the rules existed in most legal systems prior to their application to the international context,

while customary law refers to rules derived from practices among international entities.

## **C. WHERE CAN YOU FIND FOREIGN AND INTERNATIONAL LAW?**

Before you look up a foreign law, a treaty, or a UN document, you should map out a strategy for research. The strategy you should employ will be remarkably similar to the one you would employ for researching an unfamiliar issue of U.S. law, discussed in Chapter 22. You will first need to define your issue, select your search terms, and choose your sources. You will want to begin with secondary sources to gain an understanding of foreign and international law and of how the issue plays out in the international context (as well as to gain a better understanding of any unfamiliar practices or terms of art).

You will also need to identify which area of law you need to research. Do you have an issue involving the application of a foreign country's law in a U.S. court? Do you have an issue involving evidence of customary international law? Do you need to research a treaty, and if so, is the U.S. a party to it? Are you looking at a UN convention? Are you researching the decisions of an international tribunal? Which body of law you need to research will ultimately determine where you look to find your answers, but you should always begin the same way you would to research any unfamiliar issue of law: by letting an expert guide you.

## **D. GENERAL SECONDARY SOURCES**

### **1. RESEARCH GUIDES**

Luckily for the novice legal researcher, many guides to researching foreign law and international law are available, both online and in print. These guides can provide assistance in locating sources, an overview of the particular topic and legal context, and guidance on how to approach a particular research problem. The researcher should be aware, however, that while such guides are readily obtainable, not every source cited in them will be easily accessible.

Many foreign and international legal research materials are available in print only, and not every library will have those resources. Moreover, many subscription databases are expensive and may not be part of a particular library's legal research plan. Consult your library to see which resources are available to you, whether in your library or through interlibrary loan. You may also, if you are researching U.S. treaty materials or UN documents, be able to find materials at a library that is a depository for federal materials or UN materials.

The following are some suggested research guides; you can also find research guides by typing a search string such as “research guides international law” or “research guides treaties” or “research guides united nations” into your favorite search engine. Many libraries with large international law collections have excellent research guides, though the materials are unique to their collections; be sure to check your own library’s website and catalog for research guides as well.

## 2. ONLINE RESEARCH GUIDES

- *GlobaLex* contains links to a plethora of research guides to foreign, international, and comparative law.
  - <http://www.nyulawglobal.org/Globalex/>
- *Foreign and International Law* by the Law Library of Congress provides research guidance for a selection of foreign legal systems.
  - <http://www.loc.gov/law/help/foreign.php>
- *International Legal Research Tutorial* provides information about foreign, comparative and international law, as well as research instruction and a resource guide.
  - <http://law.duke.edu/ilrt/index-2.html>
- *World Legal Information Institute (World LII)* is a global site that includes links to information on foreign, comparative, and international law, as well as conference papers and other materials.
  - <http://worldlii.org/>
- *A Selective List of Guides to Foreign Legal Research* provides an extensive list of jurisdiction-specific foreign legal research guides.
  - [http://library.law.columbia.edu/guides/A\\_Selective\\_List\\_of\\_Guides\\_to\\_Foreign\\_Legal\\_Research](http://library.law.columbia.edu/guides/A_Selective_List_of_Guides_to_Foreign_Legal_Research)
- *United Nations Research on the Web: A Highly Selective Guide* provides links to resources for researching United Nations documents.
  - <http://www.princeton.edu/~sbwhite/un/unsourc.html>
- *Selected U.N. Resources and Research Tools: Overview and Search Tips for Legal Research* provides helpful tips on how to use a variety of UN finding aids.
  - [http://www.nyulawglobal.org/globalex/UN\\_Resources\\_Research\\_Tools.htm](http://www.nyulawglobal.org/globalex/UN_Resources_Research_Tools.htm)
- *Guide to Treaty Research* provides a guide for researching treaties, whether or not the U.S. is a party.



- [http://library.law.columbia.edu/guides/Guide\\_to\\_Treaty\\_Research](http://library.law.columbia.edu/guides/Guide_to_Treaty_Research)
- *Researching Non-U.S. Treaties and Agreements* provides guidance for researching treaties to which the U.S. is not a party.
  - [http://www.llrx.com/features/non\\_ustreaty.htm](http://www.llrx.com/features/non_ustreaty.htm)

### 3. PRINT RESEARCH GUIDES

- MARCI B. HOFFMAN & ROBERT C. BERRING, *INTERNATIONAL LEGAL RESEARCH IN A NUTSHELL* (2008).
- MARCI HOFFMAN & MARY RUMSEY, *INTERNATIONAL AND FOREIGN LEGAL RESEARCH: A COURSEBOOK* (2008).
- CLAIRE M. GERMAIN, *GERMAIN'S TRANSNATIONAL LAW RESEARCH: A GUIDE FOR ATTORNEYS* (2006).
- ELLEN G. SHAFFER & RANDALL J. SNYDER, *CONTEMPORARY PRACTICE OF PUBLIC INTERNATIONAL LAW* (1997).
- GEO. WASH. J. INT'L L. & ECON., *GUIDE TO INTERNATIONAL LEGAL RESEARCH* (4TH ED. 2002).

### 4. TREATISES

While research guides can give you an overview of a topic and help you determine which resources you will need to consult to find your answer, treatises can give you an in-depth understanding of a legal topic. Research guides can help you locate the most relevant treatises for your purposes; you should check your library's catalog to see if the treatise is available to you. While there are some international treatises available through commercial databases, you may find that you need to use a print resource because not every treatise is available electronically.

The following are some examples of treatises on international law:

- VOLKER RITTBERGER, *GLOBAL GOVERNANCE AND THE UNITED NATIONS SYSTEM* (2001).
- MARK W. JANIS, *AN INTRODUCTION TO INTERNATIONAL LAW* (4TH ED. 2003).
- J.L. BRIERLY, *THE LAW OF NATIONS: AN INTRODUCTION TO THE INTERNATIONAL LAW OF PEACE* (6TH ED. 1963).
- IAN BROWNLIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* (7TH ED. 2008).
- STEPHEN C. MCCAFFREY, *UNDERSTANDING INTERNATIONAL LAW* (2006).
- FRANZ CEDE & LILLY SUCHARIPA-BEHRMANN, *THE UNITED NATIONS: LAW AND PRACTICE* (2001).

## 5. DICTIONARIES AND ENCYCLOPEDIAS

Legal dictionaries and encyclopedias of foreign and international law provide definitions of legal terminology and summaries of cases and treaties, biographical information of individuals, and information on international organizations and legal systems. Thus, they are similar to legal dictionaries and encyclopedias of U.S. law.

- JAMES R. FOX, *DICTIONARY OF INTERNATIONAL LAW* (3D ED. 2003).
- MAX PLANCK INSTITUTE FOR COMPARATIVE PUBLIC LAW AND INTERNATIONAL LAW, *DICTIONARY OF PUBLIC INTERNATIONAL LAW* (2003).
- JOHN GRANT & J. CRAIG BARKER, *PARRY AND GRANT ENCYCLOPAEDIC DICTIONARY OF INTERNATIONAL LAW* (2D ED. 2004).

## 6. LEGAL PERIODICALS

Scholarly articles may not only help a researcher gain an understanding of international law and practice, but they may also provide evidence of international norms in customary law. Articles on international and foreign law may be found in international or domestic law reviews and journals, which may be found through full-text searching on a periodicals database on HeinOnline, Westlaw or Lexis. Some articles may only be available in print. Useful periodical indexes include the following:

- *INDEX TO FOREIGN LEGAL PERIODICALS* covers worldwide, foreign, and non-Anglo-American legal periodicals. The electronic version has coverage beginning in 1985; the paper version covers the years 1960–2002.
- *LegalTrac* contains over 1.6 million articles from 1,400 domestic and international legal journals and periodicals. The database has articles from 1980–2012.
- *INDEX TO LEGAL PERIODICALS & BOOKS* AND *INDEX TO LEGAL PERIODICALS RETROSPECTIVE* index thousands of legal periodicals, including many foreign and international titles. While coverage in the electronic version varies by individual title, *INDEX TO LEGAL PERIODICALS & BOOKS* covers 1981–date, while *INDEX TO LEGAL PERIODICALS RETROSPECTIVE* covers 1908–1981.
- *LEGAL JOURNALS INDEX* covers journals published in the United Kingdom and Europe as well as journals which pertain to the laws of the European Community and its member States. It is available on Westlaw, and coverage dates from 1986.

## 7. PORTAL SITES

Portal sites may be useful in finding primary as well as secondary sources of foreign and international law. These sites aggregate and organize websites on a particular topic. As with any website, be sure to evaluate the trustworthiness of the source: who maintains the site? Does the person or institution which has compiled the site have a bias, or an interest in one aspect of international or foreign law, which may result in incomplete coverage of a topic? How complete and recent are the sources linked? Be aware that portal sites may come and go, or links may change or be broken.

- *EISIL*, the Electronic Information System for International Law, is a portal site curated by the American Society for International Law. It contains links to primary and secondary sources of international law, authoritative websites, and research guides, organized by topic and subtopic.
  - <http://www.eisil.org/>
- *Foreign and International Law Guide*, Cornell University Law Library. This site provides topical and regional research information, as well as links to foreign law websites and links to world law portals.
  - <http://library2.lawschool.cornell.edu/ForeignLawGuide/>
- *Guide to Law Online: Nations* by the Law Library of Congress provides links to primary law resources of nearly all legal systems.
  - <http://www.loc.gov/law/help/guide/nations.php>

Once you have determined your research approach, based on the particulars of your issue, you will need to find legal authority for the particular area of the law relevant to your research. The following are suggested sources and steps for treaty, customary international law, foreign law, and United Nations and other international organization research.

## E. TREATY RESEARCH

Researching treaties and international agreements can be complex, which will require you to look in a variety of sources. Even when the U.S. has ratified a treaty and it is thus part of the supreme law of the land, researching that treaty is not as simple as looking up a citation on an online database. There are several steps common to treaty research whether or not the U.S. is a party, and whether the agreement is bilateral or multilateral. The following steps should be taken:

## 1. CHECKING FOR RELEVANT SECONDARY SOURCES

Secondary sources may include research guides and texts, as well as treatises and law review articles. These may be general, may be jurisdiction-specific, or may be topic-specific. Some examples include:

- **Research Guides**
  - *Guide to Treaty Research* (general research guide)  
[http://library.law.columbia.edu/guides/Guide\\_to\\_Treaty\\_Research](http://library.law.columbia.edu/guides/Guide_to_Treaty_Research)
  - *GlobaLex* (jurisdiction-specific research guides included)  
<http://www.nyulawglobal.org/Globalex/>
  - *International Law of the Sea* (topic specific research guide)  
<http://lib.law.washington.edu/ref/LOS1.html>
- **Treatises and Law Review Articles**
  - **U.S. Treaties.** Search for scholarly articles or treatises on treaties to which the U.S. is a party. You may search by treaty name or topic, but be aware that you may have to look in print sources to find relevant articles, especially for older treaties.
    - Law review articles may be located through the INDEX TO LEGAL PERIODICALS, LEGAL INDEX, and the full-text law review databases on Westlaw, Lexis, and HeinOnline.
    - Treatises may be located through your library's catalog or a research guide.
  - **Non-U.S. Treaties** Many prominent non-U.S. treaties will be discussed in law review articles or treatises. The two main approaches for researching these treaties are by treaty name or by topic. Paid legal research databases which focus on U.S. law rarely have materials on non-U.S. treaties, so be aware that you may not find any coverage at all.
    - For international law review articles, consult the INDEX TO FOREIGN LEGAL PERIODICALS OR LEGAL JOURNALS INDEX. For articles in U.S. law journals that discuss non-U.S. treaties, try the INDEX TO LEGAL PERIODICALS OR LEGALTRAC.
    - For treatises, try a keyword search in your library's catalog or use a source suggested by a treaty research guide.

## 2. FIND THE AUTHORIZED TEXT OF THE TREATY

The full text of a treaty may be found in a variety of official and unofficial sources, whether that treaty is a U.S. treaty or a non-U.S. treaty. These sources include treaty sets, publications of individual countries or intergovernmental organizations, commercial sources, and free and fee-based electronic resources.

While the U.S. government prints the text of its treaties, the source that contains the text will vary depending on the year the treaty was published. Your approach will depend on whether you have a citation, or at least know the treaty name or date. If you have a citation, you can find it through the citation. If you have a name, or a topic, you might consider using a search engine or a law review database as a starting point. Sometimes, a search engine will lead you to the full text, but you need to determine whether that text is the authorized text.

Here are some places to look:

- ***For U.S. Treaty Text***

- United States Statutes at Large (Stat.) is an official publication that has the text of treaties from 1776–1949. Volume 64, Part 3 (1950–51) has a cumulative list of agreements.
- United States Treaties and Other International Agreements (U.S.T.) is an official publication that has the text of treaties from 1950–1984.
- Treaties and Other International Acts Series (T.I.A.S.) is an official publication, published in pamphlet form that has the text of treaties from 1984–1997.
- Senate Treaty Documents reproduces the text of treaties presented to the Senate for its advice and consent. Available online through Lexis, Westlaw, HeinOnline, THOMAS (thomas.loc.gov), and in microfiche from the Congressional Information Service. This service has the text of treaties from 1980–present.
- Hein's United States Treaties and Other International Agreements Current Service, available on microfiche and on HeinOnline. Hein Online's Treaties and Agreements Library contains every treaty entered into by the United States, whether in-force, expired, or not yet published.
- United States Code Service includes the text of dozens of treaties, organized by topic (Intellectual Property, Sale of Goods, Competition Laws, International Civil Litigation, Air Transportation of Passengers and Property, Diplomatic and Consular Relations, Armed Conflict and Human Rights, and Chil-

dren) in an unnumbered volume entitled “International Agreements.” This volume includes annotations and research references. Also available on Lexis.

- United Nations Treaty Series (U.N.T.S.) is available in print and online (as the United Nations Treaty Collection, [treaties.un.org](http://treaties.un.org)) and includes treaties registered with the UN’s Secretariat. Coverage begins in 1946.
- League of Nations Treaty Series (L.N.T.S.) has international agreements that were registered with the League’s Secretariat from 1920–1946.
- ***For Non–U.S. Treaty Text:***
  - United Nations Treaty Series (U.N.T.S.) is available in print and online (as the United Nations Treaty Collection, [treaties.un.org](http://treaties.un.org)) and includes treaties registered with the UN’s Secretariat. Coverage begins in 1946.
  - League of Nations Treaty Series (L.N.T.S.) has international agreements that were registered with the League’s Secretariat from 1920–1946.
  - Council of Europe Treaty Series has treaties from 1949 to date negotiated under the auspices of the Council of Europe. This set was known prior to 2004 as the European Treaty Series. Available online at the Council of Europe’s website, <http://www.conventions.coe.int/>.
  - Consolidated Treaty Series, Clive Parry, ed. This set is a collection of multilateral and bilateral treaties entered into between 1648 and 1919. Available in print.
  - Intergovernmental Organizations websites. Intergovernmental organizations, such as the African Union, the European Union, and the Organization of American States often have official treaty texts on their websites.
  - International Legal Materials, a publication of the American Society for International Law published biweekly since 1962, is available on Lexis, Westlaw, JSTOR, and in print. The ASIL website has an index of most of the tables of contents at <http://www.asil.org/ilm/ilmindx.htm>. Coverage is limited.
  - Treaty Indexes, such as Flare Index To Treaties (<http://193.62.18.232/dbtw-wpd/textbase/treatysearch.htm>); M.J. Bowman & D.J. Harris, *Multilateral Treaties: Index and Current Status* (1984); United Nations Cumulative Treaty Index (<http://treaties.un.org/Pages/cumulativeindexes.aspx>); World Treaty Index (<http://worldtreatyindex.com/>).

- For individual countries, consult a research guide for resources.

### 3. VERIFY ITS CURRENT STATUS, INCLUDING PARTIES TO THE AGREEMENT

Has the treaty entered into force? Has it been updated? A multilateral treaty often requires a certain number of signatories to adopt or ratify the treaty in order to enter into force, which may be years or even decades after the treaty is drafted and signed by the first party.

The most useful source to check for the status of a treaty is the treaty depositary, which may be a national government or an international or intergovernmental agency. The UN is the depositary for many important international agreements and maintains a list of over 500 multilateral treaties for which it is the depositary (Multilateral Treaties Deposited with the Secretary-General, <http://treaties.un.org/pages/ParticipationStatus.aspx>), but the depositary may be an intergovernmental trade organization or national government.

In the case of U.S. treaties, you should determine whether the Senate has ratified the treaty, or whether the status is that of an executive agreement. The U.S. State Department publishes annually *Treaties In Force*, which lists all treaties to which the U.S. is a party as of January 1 of that year. Because the list is published only once a year, it will not have the most recent information. *Treaties In Force* is available in print, on subscription services, and on the State Department's website at <http://www.state.gov/s/l/treaty/tif/index.htm>.

### 4. ASCERTAIN WHETHER THERE ARE ANY RESERVATIONS OR DECLARATIONS TO THE TREATY

Parties to a multilateral agreement often sign with reservations that seek to limit or exclude certain provisions from applying to that party, or with declarations that provide the party's interpretation or understanding of a particular provision or of the treaty in general. Such reservations and declarations are rare in bilateral treaties but common in multilateral treaties. The depositary's website or *Treaties In Force* are good sources for this information. Since the Senate will often add reservations or declarations as part of its advice and consent function during ratification, so that the reservations or declarations are part of domestic law, you should check *Treaties In Force* or THOMAS for any such reservations or reservations.

## 5. LOCATING STATUTES AND REGULATIONS THAT IMPLEMENT THE AGREEMENT

A self-executing treaty is one that does not require any legislation to go into effect. A non-self-executing treaty requires some local action to become part of that nation's law. Not every treaty, and not every country, requires implementing legislation. If you can determine that the treaty is not self-executing (for example, if the text itself specifies it is not), you will have to find the implementing legislation. For U.S. treaties, you should consult *United States Code Annotated* or *United States Code Service* for statutes, and the *Federal Register* and the *Code of Federal Regulations* for regulations. For non-U.S. treaties, consult a research guide for the particular individual country.

## 6. FIND INTERPRETIVE MATERIALS, SUCH AS JUDICIAL DECISIONS AND THE TRAVAUX PRÉPARATOIRES (TREATY NEGOTIATION AND DRAFTING DOCUMENTS)

Just as judicial decisions interpret statutes, judicial decisions interpret treaties. In addition, just as legislative history documents provide guidance as to the intent of the drafters, *travaux préparatoires* provide guidance as to the intent of the drafters to those interpreting or applying a treaty.

- **For U.S. Treaties:**
  - Judicial decisions may be found in commercial databases or reporters; in addition, if the treaty has been codified or if there is implementing legislation, interpretive decisions may be listed in the notes of cases following the code section. The *United States Code Service* also has volumes entitled “International Agreements” and “Uncodified: Notes to Uncodified Laws and Treaties,” which contain such references. In addition, West’s Digest and Key Number system has a topic called “Treaties” through which judicial decisions interpreting treaties can be found. Citators may be used for any codified treaties. Where a multilateral treaty to which the United States is a party has been interpreted by an international tribunal, such as the International Court of Justice, check the court’s website or a research guide.
  - *Travaux préparatoires* from the treaty drafting process may be available at the depositary website or through a commercial publisher. Legislative history materials from the Senate’s advice and consent process, such as committee reports, floor debates and hearing transcripts, may also be useful.



- ***For Non-U.S. Treaties:***

- Judicial decisions from international tribunals and implementing legislation from intergovernmental organizations may be found on the websites of those tribunals and organizations. For judicial decisions and legislation from individual countries, consult a research guide particular to that country.
- *Travaux préparatoires* may be available at the depositary's website, or through a commercial publisher.

## F. CUSTOMARY INTERNATIONAL LAW

Legal research into customary international law, like treaty research, requires consulting a number of sources, many of which are not available in electronic format. Because customary law derives from consistent practice of nations out of a sense of legal obligation and not from any written agreement, a researcher must look for evidence that a practice has risen to the level of custom and can therefore be considered customary law. The first thing to do is to examine secondary sources and case law for such evidence. If a search of these sources is inconclusive, you should examine documents that reflect State practice. The following are some sources for researching State practice:

- *Sources of State Practice In International Law* (Ralph Gaebler & Maria Smolka-Day 2002) lists sources of treaties and diplomatic documents for 16 states, including the United States.
- Yearbooks and Digests—These are annual or periodic publications that provide information about a country, an issue, an international organization, or a legal system. Yearbooks and digests may contain scholarly articles, book reviews and documents, such as case law, legislation, treaties and statements by government officials, that evidence or illustrate State practices.
  - HeinOnline provides electronic access to some yearbooks in its Foreign & International Law database, but not the most current ones. Search your library's catalog or consult a research guide to find an appropriate yearbook or digest.
  - *Digest of United States Practice in International Law* is available in print, and excerpts are available on the State Department website.
  - Yearbooks for other countries or regions may be found through a search engine or library catalog.
- Voting records in International Organizations—A State's voting record at the UN, the European Union, or another intergovernmental or international organization may provide evidence of State practice. For example, if a State consistently voted in favor

of recognition of a particular border or to define its territorial waters in a certain way, that may be seen as evidence of where the border should be or where international waters should begin. See the section on the United Nations (below) for further guidance, or consult the website of the particular organization for information on how to obtain such information.

## G. FOREIGN LAW

As noted above, foreign law is the domestic law of a foreign State. While some legal systems have excellent websites, it is rare to find any outside the English-speaking world that are in English. Moreover, even if you can read the website of the country you are researching, ask yourself how much you know about that legal system. You need to consider whether the authority is precedential or, if not, whether it is likely to influence the tribunal hearing your case.

The best practice is to consult a secondary source as well as a foreign law research guide for the particular country whose law you are interested in. It will save you time and give you background that will be helpful in deciding whether you have the right law. If your knowledge of the law of a foreign country is less developed than your knowledge of American law, let an expert in that country's law guide you in your research. *GlobalLex*, the Law Library of Congress' *Foreign and International Law and Guide to Law Online: Nations*, Reynolds and Flores' *Foreign Law Guide* (available both in print and online to subscribers), the World Legal Information Institute's website, and Columbia Law Library's *A Selective List of Guides to Foreign Legal Research* are all excellent places to start.

### 1. UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS

International organizations, such as the United Nations, Council of Europe, or World Trade Organization, are valuable sources for international law. Not only do these bodies generate resolutions, rules, and regulations themselves, but they are good sources for evidence of State practice through the voting records and comments of member States. The following is a brief list of some resources you may find helpful; as always, consult a research guide or treatise if your particular issue requires a different resource.

- **Research Guides.** In addition to the research guides listed above, the United Nations Dag Hammarskjöld Library has an excellent guide to United Nations documents, *United Nations Documentation: Research Guide*. This research guide, found at <http://www.un.org/Depts/dhl/resguide/>, provides information about UN document numbers, the structure of the various bodies within the UN, and helpful research tips.

- **Treatises.** There are a number of treatises which have been written about various international organizations and how they operate. You can do a keyword search in your library's catalog or in a search engine for the particular international organization you seek to research.

## 2. ACCESS TO DOCUMENTS OF INTERNATIONAL ORGANIZATIONS

Many international organizations put their documents online, and many of those resources are in English. These documents may include founding documents, agreements, dispute resolution documents and governing rules. The following are some helpful databases:

- *AccessUN* is a web-based index to more than 500,000 UN documents, dating back to 1946, as well as the full text of over 35,000 documents. AccessUN is a subscription service through your library.
- Council of Europe—the website for the Council of Europe provides information about the Council, treaties deposited with the Council, and case law through the European Court of Human Rights, among other documents. <http://www.coe.int/>
- *ODS* is the Official Document System of the United Nations. It provides free access to all types of United Nations documents going back to 1993, and selected documents (resolutions of the Security Council, General Assembly, Economic and Social Council and Trusteeship Council) from 1946. ODS continues to add older documents as they are digitized. <http://documents.un.org/welcome.asp?language=E>
- World Trade Organization—the WTO's website contains the full text of nearly all unrestricted WTO documents and legal texts, as well as podcasts, videos, terminology, and selected GATT documents. [http://www.wto.org/english/res\\_e/res\\_e.htm](http://www.wto.org/english/res_e/res_e.htm)

## 3. INTERNATIONAL TRIBUNALS

While most international courts and arbitral tribunals do not strictly observe the rule of *stare decisis* as do common law courts, these courts and tribunals often look to prior judicial and arbitral decisions for guidance on international practice or the interpretation of international treaties, rules and norms.

- **Websites.** Many international courts and arbitral tribunals make their decisions and rules available on their websites. The following is a selected list of such sites:

- European Court of Human Rights: <http://www.echr.coe.int/echr/>
- European Court of Justice: <http://curia.europa.eu/>
- Inter-American Commission on Human Rights: <http://www.oas.org/en/iachr/>
- International Court of Justice: <http://www.icj-cij.org/homepage/>
- International Criminal Court: <http://www.icc-cpi.int/menus/icc/>
- **Case Reporters.** You may want to consult a print case reporter to find case law from a tribunal that investigated or adjudicated a particular dispute and has dissolved, or to find older case law that has not yet been digitized. The following are a selection of those you might find in your library or through interlibrary loan:
  - *Annotated Leading Cases of International Criminal Tribunals* is a series which contains documents for the Special Court for Sierra Leone and the criminal tribunals for Rwanda and the former Yugoslavia. The first volume was published in 1998. The accompanying website is at <http://www.annotatedleadingcases.com/>.
  - University of Nottingham Human Rights Law Centre, *International Human Rights Reports* contains selected cases on the topic of human rights. Published since 1994, with four volumes per year since 1998. This title is also available online to subscribers.
  - Elihu Lauterpach & Christopher Greenwood (eds.), *International Law Reports* (1929) is a publication of Cambridge University Press which contains selected judicial and arbitral decisions from international and national courts. The series was first published in 1929 and contains decisions from as early as 1919. An electronic subscription database is also available.
  - European Court of Human Rights, *Série A: Arrêts et décisions* = *Series A: Judgments and Decisions* (1960–1996); *Reports of Judgments and Decisions* = *Recueil des arrêts et décisions* (1996–date). Cases are also available online at HUDOC, <http://www.echr.coe.int/echr/en/hudoc/faq/>.
  - United Nations, *Reports of International Arbitral Awards*. The first volume appeared in 1948.
  - International Court of Justice, *Reports of Judgments, Advisory Opinions and Orders. Recueil des arrêts, avis consultatifs et ordonnances*. Decisions from 1947 to date.

- James J. Patton, *World Trade Organization Dispute Settlement Decisions: Bernan's Annotated Reporter* (1998). This is an example of a reporter compiled by a commercial publisher.
- **Commercial Databases.** Lexis and Westlaw both provide access to a variety of international judicial and arbitral decisions and opinions, such as decisions of the International Court of Justice, European Union courts; International Criminal Tribunals from Rwanda and the Former Yugoslavia; Iran–U.S. Claims Tribunal; WTO & GATT Panel; Inter–American Commission for Human Rights; and international arbitration bodies. Not every subscription plan will have access to all these databases, and what you have available to you in law school will most likely be different from what you will have available in practice. It is always a good idea to find out what resources your school's or employer's database subscription plan includes, and how extensive and recent the coverage for each database is.