

Introduction to International and Foreign Legal Research

While the process of legal research in any jurisdiction follows the same basic steps, US legal sources differ from foreign legal sources. There are also numerous helpful resources specifically for researching international law, including treaties, decisions of international and regional tribunals, as well as materials from the United Nations and European Union.

Regardless of the jurisdiction, it is best to start any legal research project with secondary sources. Secondary legal sources include treatises, loose-leaf services and law review articles. There are many international and foreign secondary sources.

• Researching International Law - Introduction

Public international law differs from private international law. Private international law governs relationships between individuals; whereas public international law deals with the interactions between states or other international bodies. The sources of international law are international agreements, customary law, judicial decisions and academic writings.

Reference Resources

There are numerous resources at the Law Library to assist you with international legal research.

For an overview of international legal research or information about a specific topic within international law, take a look at:

- *The Guide to International Legal Research* (Law Ref KZ 1234 .G85)
- *Germain's Transnational Legal Research: A Guide for Attorneys* (Law Ref K85 G47)
- *Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research* (Law Course Reserve K85 .A27)
- *Encyclopedia of Public International Law* (Law Ref KZ 1160 E53)

To decipher international, as well as foreign legal abbreviations, try:

- *Bieber's Dictionary of Legal Abbreviations* (Law Ref, Reserve KF 246 .B46)
- *The Bluebook: A Uniform System of Citation* (Law Ref, Reserve KF 245 .O5)

For citing international and foreign materials, refer to:

- *The Bluebook: A Uniform System of Citation* (Law Ref, Reserve KF 245 .O5):
 - Rule 21: International Materials (p.157)
 - Foreign sources are covered by Rule 20: Foreign Materials (p. 151)
 - T.2 Foreign Jurisdictions
 - T.3 Intergovernmental Organizations
 - T.4 Treaty Sources
 - T.5 Arbitral Reports.
- **Please note**, the *ALWD Citation Manual* does not address international and foreign legal citations.

Locating International Secondary Sources

- **Books:** Use NuCat to search for books and loose-leaf services related to international law.
- **Periodicals:** To find the location of periodicals, including law reviews and newspapers, search NuCat for the title of the journal or newspaper, i.e. *Harvard Law Review*, *New York Times*, etc.

You can verify or locate citations to legal periodical articles by searching:

- **Legaltrac:** An index of law review articles from 1980 to present. Also on [Westlaw](#) (LRI) and [LexisNexis](#) (LGLND).
- *Index to Foreign Legal Periodicals* (Law Periodical Index K33 .I38)
- **HeinOnline** provides access to many older, as well as current, law journal volumes in full-text which are *NOT* available on LexisNexis and Westlaw. Articles are in Adobe's .pdf format.
- Full text law review databases on [Westlaw](#) and [LexisNexis](#). However, please be aware, the date coverage of law review articles varies greatly.
- *Tip:* search the full-text of law review articles on LexisNexis and Westlaw to locate or verify a citation or quote.

Locating news articles:

- Search newspapers which the NU libraries hold using the [NuCat](#) by the title of the newspaper (i.e. *The New York Times*)
- You can locate newspaper articles on [Westlaw](#) and [LexisNexis](#).

"Alphabet soup": IGOs and NGOs

- **IGOs: Intergovernmental Organizations** include:
 - UN: [United Nations](#)
 - OAS: [Organization of American States](#)
 - COE: [Council of Europe](#)
 - IOM: [International Organization for Migration](#)
 - WTO: [World Trade Organization](#)
 - WIPO: [World Intellectual Property Organization](#)
- **NGOs: Non-Governmental Organizations** include:
 - [Amnesty International](#)
 - [Human Rights Internet](#)
 - [Human Rights Watch](#)
 - [International Committee of the Red Cross](#)

International Primary Sources

Treaties

Many of the primary documents you will encounter in the area of public international law will be international agreements. [International agreements](#), including [treaties](#), can be bilateral, between two countries, or multilateral, among several countries. In general, it is not difficult to find bilateral or multilateral treaties to which the United States is a party or other

multilateral treaties. However, finding bilateral treaties to which the United States is not a party may be more challenging.

For treaties on a particular topic (i.e. environment, intellectual property, etc.), search the University's online library catalog, [NuCat](#), to locate loose-leaf services and books on the topic. Often, the full-text of important international agreements is collected in these publications.

To look up any unfamiliar treaty jargon, try the [treaty terminology reference guide](#) from the United Nations.

Finding a Treaty When the United States is a Party

The [US Constitution](#) states that, "all Treaties...shall be the supreme Law of the Land" ([Art VI](#)), which the [US Supreme Court](#) has interpreted as all treaties, except those which by their language are not self-executing, automatically become federal law. ([Whitney v. Robertson](#), 124 U.S. 190, 194 (1888)).

If you do not have a citation and the US is a party to the treaty, consult:

- [Treaties in Force](#) (Law Ref KZ235 .G84), published by the State Department, is often a good place to start.
- [Current Treaty Index](#) (Law Stacks KZ235 .U59 1999) (1990-present).
- [Congressional Information Service](#)
 - [CIS Index](#) (for Senate Treaty Documents) (Law Micro)
 - [Congressional Universe](#) [NUSL only]
 - [CIS Index to United States Senate Executive Documents and Reports](#) (Law Micro KF49 .C621)

U.S. Treaty Ratification Process

The executive branch negotiates and signs treaties and international agreements, see the [Handbook on Treaties and Other International Agreements](#) which can be found at [11 Foreign Affairs Manual, Chapter 700](#) and the accompanying regulations at [22 C.F.R. Part 181](#).

Take a look at Marci Hoffman's excellent explanation of the [US treaty making process](#), including the differences between a treaty and an executive agreement under US law.

For an update on treaty actions by the Department of State, see the Office of the Legal Advisor's [Current Treaty Actions](#) (1997-present).

After treaties are signed by the President, they go to the [Senate](#) for [advice and consent](#). For an overview of this process, see [Treaties and Other International Agreements: The Role of the United States Senate \(S.Prt.106-71\)](#) or the Senate's [Power and Procedures:Treaties](#).

Treaties which have been submitted to the Senate are found in:

- [Treaty Documents](#) via the GPO.
- [CIS Congressional Microfiche](#) (Law Micro). Use the [CIS Index](#) (Law Indexes) or the online version [Congressional Universe](#) (NUSL only) to determine the number of the appropriate microfiche.

- *Treaties, Conventions, International Acts and Protocols (1776-1937)* (Law Stacks KZ236 1910) , "Malloy"
 - [HeinOnline](#) – Treaties and Agreements Library (.pdf format)
- [Senate treaty actions](#): Senate's listing of [Treaties Received](#), [Treaties Approved](#) and [Treaties Reported](#) during the current legislative session.

If the treaty receives the consent of the [Senate](#), it is sent to the [President](#) for ratification. If the President does not ratify the treaty, it can be found in *Unperfected Treaties of the United States (1776-1976)* (Law Stacks KZ236 1976), "Wiktor".

[International agreements](#), or executive agreements as they are otherwise known, do not require the consent of the Senate, only the [definitive signature](#) of the President. However, under the Case-Zablocki Act, [1 U.S.C. §112b](#), all international agreements must be reported to both the [House](#) and the [Senate](#) within sixty days after the agreement has [entered into force](#).

Sources for U.S. Treaties

There are several sources, both official government sources and commercial publications, for treaties to which the United States is a party.

- *United States Treaties and Other International Agreements (UST)* (Law Microform KZ235.32 .U55), the official publication for treaties signed and ratified by the United States, is cited as "vol UST page". The UST covers 1950 to present, though it is at this time about eight to ten years behind in publication.
 - [UST via HeinOnline](#) in .pdf format (Vols. 1-35, 1950-1984)
- *Statutes at Large*, abbreviated "vol# Stat. xxx (year)", for pre- 1950 treaties
 - Law Stacks KF50 .U52
 - [1789-1873](#) from the Library of Congress
- *Treaties and Other International Acts of the United States of America (1776-1949)*, commonly called "Bevans"
 - Law Stacks KZ236 1968
 - [HeinOnline](#) (.pdf format)
- *Treaties and International Agreements Series, (TIAS)* (Law Micro), cited as "TIAS number", about 5 years behind in publication. Also at the [Dept. of State](#) website.

Because of the publication lag with official government treaty sources, try commercial publishers which often publish treaties within weeks of ratification.

- *Consolidated Treaties and International Agreements* (1990-present), cited as "CTIA number", publishes current treaties in paper within 90 days of release or ratification, listed by Senate Treaty Document number ("T.Doc. number").
- *United States Treaties and Other International Agreements Current Service*, cited as "KAV number".
 - Law Micro
 - [HeinOnline](#) (.pdf format) covers KAV 1-3121
- *Treaties and Other International Accts of the United States of America (1776-1863)* , "Miller"
 - Snell JX236 1931
 - [HeinOnline](#) (.pdf format)
- [Private International Law](#) from the U.S. Department of State

Historical Treaties

There are several good historical collections for older treaties. Again, it is easier to find these treaties when the United States is a signatory.

To locate historical U.S. treaties:

- *Treaties and other International Agreements of the United States of America* (1776-1949), called "Bevans".
 - Law Stacks KZ236 1968
 - [HeinOnline](#) (.pdf format)
- *Treaties and other International Agreements of the United States of America* (1776-1863), "Miller"
 - Snell JX236 1931
 - [HeinOnline](#) (.pdf format)

Sources which include US as well as non-US treaties:

- *Treaties, Conventions and International Acts* (1776-1923) (Law Stacks KZ236 1910)
- *Consolidated Treaty Series (CTS)* (Law Stacks KZ120 .P35 1969) (1648-1920) There is an index which is intended to supplement the *CTS* called the *Index-Guide to Treaties* (Law Stacks KZ120 .P352 1979)
- *United Nations Treaty Series* (Law Stacks KZ172 .U55) (1947-present)
- *League of Nations Treaty Series* (Law KZ170.5 .L43) (1920-1946)
- The [Avalon Project](#) at Yale has compiled some important historic legal and political documents, including major treaties.

Updating Treaties: Reservations and Status

For updating treaties to which the United States is a signatory, consult:

- [Treaties in Force](#) (Law Ref KZ235 .G84)
- United States Department of State [treaty actions](#) (which replaces the [Dispatch](#) (Law Stacks JX232 .U83).
- *Shepard's United States Citations* (Law Stacks KF101.2 .S55), Treaty section to Shepardize treaties.
- Senate [Treaty Actions](#).

Finding a country's [reservations](#) is more challenging. Reservations are not always published with the treaty. [Reservations](#) for *UNTS* multilateral treaties are printed in *Multilateral Treaties Deposited with the Secretary-general* (Law Reference KZ171 .M86). Some commercial sources may publish the reservations along with the treaty.

Additional Resources

- [Researching U.S. Treaties and Agreements](#) by Marci Hoffman on LLRX.com
- "Finding Treaties and Other International Agreements", by Jeanne Rehberg, published in *Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research*, Rehberg and Popa, eds. (1998).

Customary International Law

For [customary international law](#), derived from the practices of countries, look in secondary sources like treatises and other books.

International and Regional Tribunals

Some of the international entities which issue judgments or decisions include:

- [International Court of Justice](#) (ICJ), created by the [Charter of the United Nations](#), has jurisdiction extending to all states, whether or not they are members of the United Nations. The predecessor to the ICJ was the PCIJ, the Permanent Court of International Justice. ICJ decisions are found:
 - *Reports of Judgments, Advisory Opinions & Orders* (Law Stacks JX 1971 .6 A2)
 - Select recent decisions can be found in *International Legal Materials*
 - (Law Stacks KZ64 .I58)
 - [LexisNexis](#) (INTLAW:ILM)
 - [Westlaw](#) (ILM)
 - [HeinOnline](#) (in .pdf format) (NUSL only)
 - [Westlaw](#) has all ICJ decisions (INT-ICJ)
 - [Cornell](#) hosts an ICJ mirror site with most recent decisions
 - *Pleadings, Oral Arguments, Documents of the ICJ* (in [NuCat](#) by individual case name)
 - *Digest of the Decisions of the ICJ/World Court Digest* (Law Stacks KZ213 .W67)
- [European Court of Justice and the Court of First Instance](#) is the judicial arms of the European Union. Consult the Pappas Law Library European Union Research Guide to learn more about the courts of the EU.
- [International Criminal Court](#) (ICC) was established recently by the [Rome Statute](#). While the ICC has not yet decided any cases, there are already many [background documents, members elected and other information available](#). Additionally, search the [NuCat](#) to locate books which NU holds on the establishment of the ICC.
- Regional and other organizations' courts and tribunals, including:
 - [Inter-American Court of Human Rights](#): reports of cases are available in print (Law Stacks KDZ 574 .A52 I58) and [online](#).
 - [European Court of Human Rights](#) ("ECHR"): reports and decisions are available in paper (in [NuCat](#) by individual case name) and [online](#).
 - [World Trade Organization](#) issues documents, including Panel and Appellate Body Reports.

The United Nations

Learn more about the [structure and work of the United Nations](#), its [publications and databases](#), visit the [News Centre](#) and more at the information-packed [UN website](#).

Search [NuCat](#) for books about the United Nations and its various bodies, such as:

- *Yearbook of the United Nations* (Law Stacks JX 1977 A37 Y4)

- *Yearbook on Human Rights* (Law Stacks JC 571 .Y4) (1959-1988)
- [UN Chronicle](#) (Law Stacks JX 1977 .A1 U564) which serves as a newsletter for the UN.
- Finding United Nations Documents
 - *UN documents* fiche collection (Snell Microfiche).
 - AccessUN: This Internet database, secured by IP address, is accessible at Snell library. Search AccessUN to find UN document numbers for use with the fiche set (see above) or find select full-text documents. Covers documents issued 1946 through 2003.
 - UNDOC: Current index: United Nations Documents Index. (1979-present) (Snell JX 1977 .A2)
 - UNDEX. United Nations documents index. (Snell JX 1977 .A2) Series A, B, C (1974-1979)
 - United Nations documents index: cumulated index, (1950-1962) (Snell JX 1977 .A2)
 - [United Nations Documentation Centre](#)
 - Use a search engine such as [Google](#), and search by UN document number.
- United Nations Document Research Guides
 - [United Nations Documentation Research Guide](#) from United Nations Dag Hammarskjöld Library
 - [United Nations Documents Symbols System](#) from the Harvard Law School ILS Reference Department

● Researching the Law of a Foreign Jurisdiction

If this is the first time you are encountering foreign legal research, you will notice that it is quite distinct from researching the law of the United States. Foreign law is by and large only published in the language of the country, and therefore may not be available in English.

Regardless of the jurisdiction, it is always best to start any legal research project with secondary sources. Secondary legal sources include treatises, loose-leaf services and law review articles. With foreign legal systems, it is important to identify the type of jurisdiction. There are essentially two types of systems:

- [Common law](#) jurisdictions, like the United States, both statutes and cases are sources of law.
- [Civil jurisdictions](#), such as France, statutes or codes are the only source of law. The concept of [precedent](#) is not well developed in civil law jurisdictions, though recently, case law has begun to contribute to the development of the law.

Please note, when you are researching foreign law, publications are going to be found mainly in the language of the country you are researching. For example, if you are looking at French contract law, the primary materials will only be available in French. Any translations will be unofficial, found mainly in secondary sources.

Also, be aware of the political situation of the country. If a country is experiencing a political crisis, civil war or some other event, the publication of legal sources may be quite slow if not stopped completely.

Foreign law secondary sources

Looking at secondary sources, including law review articles, treatises and loose-leaf services, is a very helpful first step for any legal research project, including foreign legal research projects.

- Legal periodicals
 - *Index to Foreign Legal Periodicals* (IFLP): The IFLP indexes articles about international and comparative law of countries other than United States, British Isles, and British Commonwealth. Law Periodical Indexes K33 .I38.
 - Search the *Legal Resource Index* on [LexisNexis](#) (LGLIND), [Westlaw](#) (LRI) or [Legaltrac](#) (NUSL only).
 - Search the full-text law review databases on [LexisNexis](#) (ALLREV) and [Westlaw](#) (JLR).
- Books and loose-leaf services
 - Search [NuCat](#) by *WORD* to find materials related to your topic.
- If you do not find the materials you require in the NU collection, you can request to borrow the materials through interlibrary loan. Please see a reference librarian for assistance.

Finding Primary Foreign Law

Primary legal material includes: [case law](#), [constitutions](#), [statutes](#), [regulations](#) and [administrative materials](#).

- Finding foreign law primary sources:
 - *Foreign Law: Current Sources of Codes and Legislation in Jurisdictions of the World*, Thomas H. Reynolds and Arturo A. Flores, Law Reference K38 .R49 1989 (commonly called "Reynolds and Flores"). Use this resource to find out about a country's legal system, where the laws are published, and how to find other helpful resources for researching in a particular foreign jurisdiction.
 - *Martindale Hubbell International Law Digest*, Law Reference KF190 .M3. Provides an overview of the government and legal system.
 - *Germain's Transnational Law Research: A Guide for Attorneys*, Claire Germain, Law Reference K85 .G47 1991. Chapter V covers select individual countries' legal systems and sources.

Then, you can use NuCat to search the University's collections for that title(s) you would like to use.

- LexisNexis and Westlaw each contain very limited primary foreign legal materials.
 - [LexisNexis](#):
 - Australia (case law)
 - Canada (case law, regulations and statutes)
 - Ireland (case law)
 - Malaysia (case law and legislation)
 - Mexico (statutes and case law in Spanish)
 - New Zealand (case law)
 - Singapore (case law)

- United Kingdom (case law and legislation)
- [Westlaw](#):
 - Australia (case law, statutes and regulations)
 - Canada (case law, statutes and regulations)
 - Hong Kong (case law and legislation)
 - United Kingdom (case law, statutes and regulations)

There are many helpful guides for beginning foreign legal research:

- Foreign law guides
 - Refer to the Law Library Resource Exchange list of [Comparative and Foreign Research Guides](#) to see if there is a guide covering the country you are researching.
 - [Foreign Law: Legal Resources on the Internet](#) (University of Chicago Law Library)
 - [Cornell Legal Research Encyclopedia: Countries](#) (Cornell Law Library)
 - [WorldLII: World Legal Information Institute](#)
 - [The Search for Foreign Law](#) from The Virtual Chase
- Country specific legal research guides (selected)
 - United Kingdom
 - [Researching Primary Legislation of the United Kingdom](#) (Law Library Research Exchange)
 - [An Updated Guide to the UK Legal System](#) (Law Library Resource Exchange)
 - [United Kingdom Law](#) (Parliament of Australia, Parliamentary Library)
 - [British and Irish Legal Information Institute](#) (BAIIL)
 - [British Statutes](#) from Harvard Law School Library
 - [English Reports Abbreviations](#) from Dalhousie University
 - [British Legal Research](#) from the University of Toronto
 - Canada
 - [Doing Legal Research in Canada](#) (Law Library Resource Exchange)
 - [Best Guide to Canadian Legal Research](#) (Catherine P. Best)
 - [Overview of Sources of Canadian Law on the Web](#) (Law Library Resource Exchange)
 - [Canadian Legal Information Institute](#) (CanLII)
 - [Guide to Legal Research](#) from the University of Toronto
 - France
 - [Germain's French Law Guide](#) (Law Library Resource Exchange)
 - [French Legal Research](#) (Harvard Law School Library)
 - [Legal Research Encyclopedia: Countries: France](#) (Cornell Law Library)
 - Germany
 - [Legal Research in Germany at the Crossroads of Traditional and Electronic Media: An Overview](#) (Law Library Resource Exchange)
 - [German Law: Resources in English](#) (University of Saarland, Germany)
 - Australia
 - [Update to Researching Australian Law](#) (Law Library Resource Exchange)
 - [Australasian Legal Information Institute](#) (AUSTLII)
 - New Zealand
 - [An Introduction to New Zealand Law & Legal Information 2002](#) (Law Library Resource Exchange)
 - [Australasian Legal Information Institute](#) (AUSTLII)

Foreign legal research can be challenging. If you have any questions or would like some assistance with your foreign legal research project, please consult a reference librarian.

Some additional helpful web sites for international and foreign research include:

- [LLRX.com Resource Center - International Law Guides](#)
- [LLRX.com Resource Center - Comparative and Foreign Law Guides](#)
- [Foreign and International Law](#) from the University of Chicago D'Angelo Law Library
- [Law from Around the Globe](#) from the Legal Information Institute at Cornell Law School
- [ASIL Electronic Resource Guide](#) from the American Society of International Law.

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