Researching international legal issues - research guide

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Web bio: http://law.wustl.edu/Faculty/index.asp?id=866

Note there are several hyperlinks in this .ppt. All hyperlinks have been underlined. There are a lot of print and electronic sources available on this topic. The research guide is not intended to be comprehensive; but a great source for both the novice researcher and experienced researchers.
Sources of international law?

- Article 38 of the Statute of the International Court of Justice directs the Court to apply the following sources of law in deciding disputes:
  - "(a) international conventions, whether general or particular, establishing rules expressly recognized by contesting states;
  - (b) international custom, as evidence of a general practice accepted as law;
  - (c) the general principles of law recognized by civilized nations;
  - (d) … judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."
Note the following reservations:
See note on page 28 of your course book:

- Article 38 nowhere mentions “sources”.
- Instruction to the judges of the ICJ.
- …in practice, judges on other tribunals (and even ICJ itself) and other practicing lawyers do use other sources of international law than those listed under Article 38 e.g. natural law, equity, jus cogens, the resolutions if international organizations.

Citations

- The trick is finding the **official citation**. EISIL, the international law database maintained by the American Society of International Law can help. If the treaty you are using is located in EISIL, then the "More Information" link under the main text link will provide you with citation information.

- *The Bluebook*, in its Tables (T.2), offers a passable list of important foreign statutory publications and case reporters that helps to make sense of their full titles, chronology and coverage.

- *Bieber’s Dictionary of Legal Abbreviations* for sources published in Anglo-American countries for a citation (Law Reserve KF246.B52001)

- World dictionary of legal abbreviations K89 .W67

- Guide to foreign and international legal citations K89 .G85 2006
Cardiff Index to Legal Abbreviations  (click here)
This website allows you to search for the meaning of abbreviations for English language legal publications from the British Isles, the Commonwealth and the United States, including those covering international and comparative law.
How do you research something you know nothing about?

- Any suggestions?
- What are your options?

Challenge:
Your time constraints. Too many: books, periodicals, web sites. Getting too many results.
Possible challenges:

- Has the UN adopted a position on a particular problem? Which organ? Where is the item now?

- Has the US (or another country) ratified or signed a particular treaty? How can I find out? Were there any declarations, reservations or understandings?

- How can I find international cases on particular topics, i.e., human rights or law of the sea? Where would I look?

- How can I find law review articles or news stories on particular international problems?
You will need a research plan.
- sources to consult in print
- sources to consult online/internet
- you will need to know how to locate, access and update these sources.
Zotero

- Keeping your research organized……..
- Is a free, easy-to-use **Firefox extension** to help you **collect, manage, and cite** your research sources. It lives right where you do your work — in the **web browser** itself.
  - check out the audio tutorial.

Zotero works on HeinOnline.
Do not forget to consult these basic sources

- Am. Jur
- CJS
- Restatement of Foreign Relations KF395.A2f68
- Treatises on your topic
● Research guides are excellent starting points because they identify pertinent sources on specific topics. Many guides refer to the best print sources, as well as to the most worthwhile websites.
• **ASIL Guide to Electronic Resources for International Law.** Each chapter of this E-book focuses on the best electronic resources for the following topics: treaties, human rights, international criminal law, international economic law, international environmental law, international intellectual property, international organizations, private international law, commercial arbitration, and the United Nations.

• **EISIL (Electronic Information System for International Law)** is an extensive database that includes links to primary documents (treaties, conventions, etc.), websites, and research guides related to various subjects within international law. There is also a good deal of value-added information, including summaries of legal instruments and resources, legal citations, and entry into force dates.

• **LLRX.com (International Law)** provides access to research guides on a wide variety of international law topics.

• **International and Foreign Legal Research Guides.** Both Duke Law Library and UC Berkeley Law Library provide access to guides that focus on both print and electronic sources on a variety of international law topics.

….this list is not comprehensive.
  http://www.lib.uchicago.edu/~llou/treaties.html

- Researching Non-US treatises by Katherine Topulos 01/2009
Locating international instruments

The texts of most major multilateral treaties are easy to locate online.

Online Sources

- EISIL (American Society of International Law) also has a list of conventions.
- United Nations Treaty Collection (Online) (Search for it via the catalog)
- Westlaw (USTREATIES database)
- Lexis - US Treaties on Lexis (Legal > Area of Law - By Topic > International Law > Treaties & International Agreements)
- The Human Rights Library (University of Minnesota) offers a list of conventions on war crimes, crimes against humanity and genocide and a list of law of armed conflict conventions.
- International Humanitarian Law Database (International Committee of the Red Cross)
- The Laws of War (Avalon Project at Yale Law School)
- TIARA Treaties and international agreements researchers' archive KZ118.T73 1996 – we also have the electronic source.

Finding bilateral and older multilateral treaties online can be more difficult. This is when you might want to consult some of the larger online treaty collections or use a treaty index. Below are listed some of the best sources to get you started. For modetailed information on researching treaties, see Treaty Research Guide.

- Online research databases at WULAW: http://www.law.wustl.edu/library/database/libint.asp
- This resource is useful both for finding citations, and for retrieving treaty text when you already have one. Including over 40,000 bilateral and multilateral treaties, the UN Treaty Series online is a vast and powerful tool. It allows searching by party, date, subject, popular name, type of agreement, and full text. The texts are provided as scanned images, rather than html, meaning that they are as "official" as the UNTS print series.

When the US is a party

- U.S. Dept. of State, Office of Treaty Affairs see http://www.state.gov/s/l/treaty
When the US is not a party

- Australian Treaties Library (http://www.austlii.edu.au/au/other/dfat/) contains not only full text (from 1901 to 2006) of multi- and bilateral treaties, but also their current status, updated by the Department of Foreign Affairs and Trade. The Library is fully searchable, includes explanatory material, a flow chart of treaty-making procedures, and a list of multilateral treaties under negotiation.
Reporters

International Criminal Law reports
(K5000 .I52 2000)

International Law Reports (KZ199 .I58)
You can also search via WL & LN and HeinOnline.
International courts and tribunals

See http://www.worldlii.org/int/cases/

United Nations Documentation : Research Guide

INTERNATIONAL LAW

Introduction

Courts and Tribunals

International Court of Justice
International Criminal Tribunal for the Former Yugoslavia
International Criminal Tribunal for Rwanda
International Criminal Court
United Nations Administrative Tribunal

Principal Legal Bodies of the United Nations

Sixth Committee of the General Assembly
International Law Commission
United Nations Commission on International Trade Law

Legal Documentation  Treaties  International Law Pathfinder

INTRODUCTION

International law is a primary concern of the United Nations. The mandate for the activities in this field emanates from the Charter of the United Nations which, in its Preamble, says.
GLIN

- GLIN is a searchable online database containing the following categories of legal documents for jurisdictions spanning the globe:
  - Laws
  - Judicial Decisions
  - Legislative Records
  - Legal Literature

http://www.glin.gov/search.action
Also check: http://international.loc.gov/intldl/intldlhome.html
When Searching Google:

- Use the advanced features on Google when searching.
- The problem with searching the internet is that you get too many or too few results..... Need something in .pdf? add .pdf that to your search query.
- Why go to Google when you can find the exact info in a subscription database. Remember anyone and post anything on the web. As a legal researcher you are searching for authoritative and authentic sources.
- Google books search:

  http://books.google.com/books?id=MbiedpEFzbYC&pg=PA171&lpg=PA171&dq=Leila+sadat+%22war+crimes%22&source=web&ots=9hOykfTydF&sig=QsxPz9ZIgsro5Nh-BP_Rxt3C40k&hl=en&sa=X&oi=book_result&resnum=1&ct=result#PPR5,M1
Of course you also have to check out these web sites:

- And this: http://www.eisil.org/
- http://www.loc.gov/law/
Scholarly writing

- Carry a great deal of weight (persuasive authority) and are very important for your initial research process.
- Treatises—use online catalog/Mobuis/WorldCat
What does our library have to offer?
Has someone done the job for you?

- The library catalog is truly your friend
- Could not find anything of interest?
  - Try searching Mobuis or WorldCat
- Option 1. Interlibrary Loan the book.
- Option 2. Note the call number/subject headings and search your local catalog for nearby call numbers.
We have this item in our library.

An introduction to international law, chiefly as interpreted and applied in Canada

Sharon Anne Williams; Armand L C De Mestral

1987 2nd ed.

English Book lxviii, 437 p. ; 24 cm.

Searching by call number and subject?

- Have you ever tried searching by call number? E.g. KZ3295.W54 I57 1979: (click here) You can also search by author or title or keyword.

- Have you ever tried the electronic shelf browse feature in the online catalog?

  - This features will surely lead you to other interesting books on your topic.

Examples of LC subject headings you may be interested in:

- **International Courts**
- **War crimes War crime trials -- Yugoslavia War criminals -- Yugoslavia Kosovo War, 1998-1999 -- Atrocities**
- **War Crimes – bibliography**
- **International criminal courts -- Cases.**
- **International law – there are 122 subheadings to choose from……**

- There are many possible subject headings to use when searching for law of the sea materials, including Economic Zones (Law of the Sea); Fishery Management, International; Fishery Policy; Law of the Sea, Marine Resources Conservation; Marine Pollution--Law and Legislation; Territorial Waters; and Oil Pollution of the Sea.
**Author**
Williams, Sharon Anne

**Title**
An introduction to international law : chiefly as interpreted and applied in Canada / S.A. Williams and A.L.C. de Mestral

**Edition**
2nd ed

**Published**
Toronto : Butterworths, c1999

**Description**
xxvii, 437 p. ; 24 cm

Permanent URL for this record:
http://catalog.wustl.edu:80/record/453295

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<td>KZ3295.W54 15 / 1979</td>
<td>NOT CHECKED OUT</td>
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**Bibliography**
Includes bibliographies and index

**Subjects**
International law

**Other Author**
De Mestral, Armand L. C

**ISBN**
0409875597 (pbk.)

**OCLC #**
14225535

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No time for books?

Try searching for articles on you topic by author/title/keyword search.
Your options:

- Index to Legal Periodicals (1980-current)
- Index to Legal Periodicals Retro database (goes back to 1908)
- Legal Track (1982-current)
- Index to foreign legal periodicals

Click here to access them: http://www.law.wustl.edu/library/database/liblegal.asp

Go to Westlaw International (WLD-INT). There are 1000 foreign legal periodicals in this database. You can also search for articles in LexisNexis. Remember: Use Shepard’s and KeyCite to expand to other secondary sources.

Working papers: Science Research Network for publications:

International WULAW databases:
Subscription databases continued.

**Hein Online:** *American* Journal of International Law, *American Journal of Comparative Law* + there are *International Legal Materials*, and several international law journals.

*International law journals* (click on hyperlink).

**JSTOR** has digitized the back issues of the *American Journal of International Law* from its inception in 1907.
Westlaw and LexisNexis international law databases.
Staying current via news papers.

- News papers and blogs
  - International Herald Tribune (Westlaw/LexisNexis)
  - The Economist, (Westlaw/LexisNexis)
  - The Wall Street Journal (abstracts only on Westlaw)
  - The London Times (FILE-NAME: TTIMES) (LexisNexis) not on Westlaw?

- Remember to add *alerts* on WL and LN. *Do you remember how to locate a source? How to add an alert?*

- News papers and blogs via the internet E.g. BBC.com
Current Awareness  cont.

- **UN Chronicle.** Good source for current information and also provides cites to important resolutions and documents. Selected articles are available on the web.
- **UN News** This web page provides access to the Daily Journal, Press Releases, Briefings, etc.
- **What's New on the UN Web site.** To keep abreast of new documents and information on the UN web site, check the "What's New" feature on a regular basis.
- **UN Pulse.** Alerts you to selected UN online information, major reports, publications and documents. Created and maintained by a team of reference librarians at the United Nations Dag Hammarskjöld Library in New York, UN Pulse is updated as new information is published and received.
- **UN Wire:** An Independent news briefing about the UN. Daily news summary sponsored by the UN Foundation.
- **UN Dispatch** is a blog providing commentary and coverage on UN issues.

(Source: http://www.law.berkeley.edu/library/classes/iflr/un.html#journals)

World News Connection (law School only)
Search

Selected Databases

Terms and Connectors
Search: "WAR CRIMES" da(last 90 days)

Dates: Unrestricted
Fields: Select an Option

Limit Your Search using SmartTerms
Industry Company Subject Location

Contains Scan
1. After Afghanistan’s Vote
New York Times (NY) Author: N/A Word Count: 660 02/03 NYT A20 2008 WLNR 1609314

...WLNR 1609314 After Afghanistan’s Vote New York Times (NY) New York Times Late Edition - Final A 20 August 29, 2009 Word Count: 660 Five months after President Obama announced...

...cyrical decision to ally himself with a former defense minister allegedly involved in drug trafficking and a warlord accused of war crimes is the wrong way to build the country’s future. Under pressure from Congress to show progress by next spring, Obama......

2. Drug Accusations Against Afghan Official Pose Dilemma for U.S.

...JAMES RISEN and MARK LANDLER New York Times (NY) New York Times Late Edition - Final A 1 August 27, 2009 Word Count: 1644 WASHINGTON It was a heated debate...

...election, President Hamid Karzai of Afghanistan has surrounded himself with shadowy figures who could bring him votes warlords suspected of war crimes, corruption and trafficking in the country’s lucrative poppy crop. But none is as influential as Marshal Fahim, his running mate Social Issues 15005 Criminal Law 1CR79 Legal 1LE33 International Issues 1INF9 Crime 1C887 War Crimes 1WA27 International Law 1IN60 Government 1CO00 Embassies & Consulates 1EM50 Smuggling & Illegal Trade 1ME35 AFCIAN
Create Entry

Entry Details

Complete each item below:

Name of clip:

Client ID:

Database(s):

Query:

Separate multiple databases with a comma (,)

Terms and Connectors

"WAR CRIMES" & DA(LAST 90 DAYS)

Find a Database

Full Search Editor

Delivery Settings

Frequency:

Destination:

Limits:

Result format:

Results:

Date created:

Last run date:

End date:

Daily

E-mail

Maximum lines per result: 2500

List of All Citations

Inform me of no results

09/01/2009

No end date

Limit Your News Search using SmartTerms

Save  Cancel
1. Poland waits, but for Putin 'sorry' is the hardest word; Poland, The Times (London), September 1, 2009 Tuesday, Edition 1; Ireland, NEWS; Pg. 4, 987 words, Roger Boyes

2. Libya: help on Gaddafi plot and we'll help on WFC, The Times (London), September 1, 2009 Tuesday, Edition 1; Ireland, NEWS; Pg. 8, 712 words, Martin Fletcher Tripoli

3. Poland waits, but for Putin 'sorry' is the hardest word; Poland, The Times (London), September 1, 2009 Tuesday, Edition 1; National Edition, NEWS; Pg. 27, 988 words, Roger Boyes

4. Libya: help on Gaddafi plot and we'll help on WFC, The Times (London), September 1, 2009 Tuesday, Edition 1; National Edition, NEWS; Pg. 8, 712 words, Martin Fletcher

5. Poland waits, but for Putin 'sorry' is the hardest word; Poland, The Times (London), September 1, 2009 Tuesday, Edition 1; Scotland, NEWS; Pg. 27, 988 words, Roger Boyes
RSS Feed Option on news services and blogs.

- **Jurist**, the legal news and real-time legal research website maintained at the University of Pittsburgh School of Law, provides excellent current awareness pages on international criminal tribunals and courts. Clicking below on the main link takes you to the Jurist news page for that court or general topic.

- You can also click on the RSS Feed link for each topic and paste this URL into a personal news aggregator. If you're searching for a news aggregator, you may want to look at this blog entry that reviews RSS readers, or read more about RSS.

Source: [http://www.ll.georgetown.edu.guides/WarCrimes.cfm](http://www.ll.georgetown.edu.guides/WarCrimes.cfm)
Researchers delving into the trial documents of the ICTY and the ICTR frequently seek specific materials. Experience has shown that not all trial documents are available online or in all of the print sources.

- For example, in the ICTR case of Alfred Musema (ICTR-96-13), the original indictment charged Musema with "genocide, conspiracy to commit genocide" and other charges. The amended indictment charged him with "genocide, or in the alternative, complicity in genocide, conspiracy to commit genocide" and other charges. The charge of complicity in genocide was omitted from the original indictment. The ICTR website only provides the amended indictment. The print source Reports of Orders, Decisions and Judgements (ICTR) KZ1201.A2 T75 I (item will have to be interlibrary loaned) likewise only includes the amended indictment (although it is not labeled "amended").

- The only sources that reprint the original indictment (the indictment not including the complicity in genocide charge) are the Global War Crimes Tribunal Collection KZ1190.G56. The bottom line: for thorough research, be sure to compare online and print availability of ICTR and ICTY documents!
(Source: http://www.ll.georgetown.edu/guides/WarCrimes.cfm)

The “Global War Crimes Tribunal” collection can be located at KZ1190.G56 in our library. Check out the browse by call number feature once you have identified a title or esting.
Updating

- Sometimes the best technology to use to find the most authoritative, up-to-date information on treaties is the telephone. Some key numbers in the U.S. for obtaining cites, status and sometimes even hard copy of treaties are:
  - Treaty Affairs, US Department of State: (202) 647-1345 FAX: (202) 736-7541, when the US is party
  - United Nations Treaty Office: (212) 963-2523 FAX: 963-3693
  - Senate Committee on Foreign Relations: (202) 224-4651 FAX (202) 228-3612
  - Country Desks at Commerce: Call (202) 482-2000 and ask for country desk.
  - Country Desks at State: Call (202) 647-4000 and ask for particular country desk.
Internet Caveats

- Anybody can post anything to the Web, it is therefore important to evaluate information with a critical eye.
- Not everything is available on the Web.
- If you don't know the source of the information, take it with two grains of salt!

(Washington University in St. Louis School of Law Library)
Are you ready to embark on your research?

- What is law?

- One definition: Rules and regulations by a sovereign authority that can be enforced by courts.

- What is International Law?

- The fact that there is no overall authority to force compliance with the rules does not necessarily mean that there is no law. Law still exists in this setting, though it may be practiced and enforced in different ways. International law is a special type of law with different characteristics from the law practiced in domestic settings, where there is a legislature, judiciary, executive, and police force.
Before you start researching international legal questions it is therefore important to know the difference between international law (both public and private), foreign law, and comparative law.
Public International law consists of rules and principles which govern the relations and dealings of nations with each other.

International organizations play increasingly important role in the relationships between nations one of them which is the United Nations.
Beware of dualist and monist theories of International law.

The dualist theory considers international law and national law as being independent of each other. Both systems are regarded as mutually exclusive and are therefore generally not able to get into conflict with each other.

- How many legal traditions/systems are there? Any suggestions?
- How many countries?
CIA Factbook?

- Great for quick background info.
What I hope you learnt:

- Sources of international law.
- How to locate them.
- How to use the online catalog to locate items that may be of interest to your research.
- How to expand your research using the electronic browse feature in the online catalog.
- How to establish electronic alerts to your electronic search queries.
- How to become an efficient researcher when researching international legal issue or any legal research issue of your choice.
Help desk movie

- [link](http://www.youtube.com/watch?v=pQHX-SjqQvQ) link to a Norwegian movie on YouTube. – Just for fun.
- It is ok to stop by the reference during your research quest desk
Sources

- Web research guides mentioned in this .ppt
- How to find the law / by Cohen, Berring and Olson (1989)

  http://www.aallnet.org/sis/fcilsis/syllabi/Klovning/Foreignlaw2008tk.ppt#432,1,%20%20%20%20%20%20%20%20%20Researching%20the%20Law%20of%20a%20Foreign%20Country%20–%20Online%20Resources