




# Introduction to Transnational Legal Research

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# What is transnational legal research?

- Foreign and Comparative Law
  - Law of jurisdictions outside the US
  - Civil vs. common law
- Private International Law
  - Domestic law practiced across international borders
  - “Conflict of Laws”
- Public International Law
  - “Law of Nations”
- Supranational Law
  - Law of the European Union



# How do I approach a transnational research problem?

- Use the same approach as with any legal research problem
  - Preparation
  - Secondary sources
  - Legislation
  - Case Law
  - Update research



# But I'm not multi-lingual! What about foreign languages?

- Find it in English.
- Look for *official* translations.
- Use a bilingual law dictionary.
- Be careful about translating *concepts*.

# Foreign Law

- Law Library's Electronic Resources List/Foreign & Comparative Law-  
<http://lexcalibur.lib.law.umich.edu/search/m?Foreign+and+Comparative+Law>

# Foreign Law

- Law of jurisdictions outside of the U.S.
  - 200+ non-US jurisdictions
- General sources:
  - *Foreign Law Guide (Reynolds & Flores)*
    - Best starting place for foreign law
    - Online at E-Resources list  
<http://lexcalibur.lib.law.umich.edu/search/y>

# Foreign Law

- Country-specific secondary resources
- Periodical Sources
  - *Index to Foreign Legal Periodicals*
    - Online at E-Resources list  
<http://lexcalibur.lib.law.umich.edu/search/y>

# Foreign Law

- Foreign legal citations can look weird
  - **1995 (1) SACR 45 (CC)**
    - South African Criminal Reports, Constitutional Court
  - **§191 Nr. 5 ZPO**
    - Zivilprozeßordnung (civil procedure code of Germany)
  - **Clunet 122 no. 3:585-597 '95**
    - Journal du Droit International (France)
  - **13 Gr.B. 408 (1901)**
    - The Green Bag

# Foreign Law

- Sources to help you identify weird cites
  - *World Dictionary of Legal Abbreviations*
  - *Noble's International Guide to the Law Reports*
  - *Bieber's*
  - *Index to Foreign Legal Periodicals* (Online at Electronic Resources List)
  - *BlueBook*

# Foreign Law

- Locating sources of foreign primary law:
  - *Reynolds & Flores*
    - Paper [Ref Coll Bibliog Reynolds] – NO longer being updated
    - Online – E-Resources(***Foreign Law Guide***)
  - Lexcalibur/UM Law Library Catalog
  - Online sources
    - Compiled Foreign Law links – E-Resources,  
Categories: Foreign & Comparative Law  
<http://lexcalibur.lib.law.umich.edu/search/m?Foreign+Law>

# Foreign Law

- *Foreign Primary Law on the Web* (U. of Houston)  
<http://www.law.uh.edu/libraries/fi/foreignlaw.html>
- *Compilation of Foreign Laws by Country* (Harvard)  
[http://www.law.harvard.edu/library/services/research/guides/international/web\\_resources/foreignA.php](http://www.law.harvard.edu/library/services/research/guides/international/web_resources/foreignA.php)



# Private International Law: What is it?

- It's not really “international law”! May involve foreign and American legal research
- “Conflict of Laws”
- Arises in “private” context, typically litigation or business transactions

# Private International Law: Where do I start?

- Consult basic sources on conflict of laws
  - *Dicey and Morris on the Conflict of Laws*
  - *International Encyclopaedia of Laws. Private international law*
- If your issue concerns a transnational business transaction...
  - Consult a “*Doing Business In...*” source
- If your issue concerns a transnational dispute...
  - Consult basic sources on international litigation
  - *Germain’s Transnational Law Research*

# Public International Law Resources

- **Law Library's Electronic Resources List/International Law Resources-**

<http://lexcalibur.lib.law.umich.edu/search/m?International+Law>

- **International Law Subjects/Categories:**

- Int'l Courts & tribunals

- ICJ

- International Criminal Court



# Public International Law Resources

- Human Rights
  - OAS
- United Nations
  - ODS – UN Official Document System
  - Clout – UNCITRAL Case Law
- Treaties
  - Access UN
  - UN Treaty Collection (UNTS)
  - Treaties & Agreements Library/HeinOnline (UST, TIAS, KAV)
  - US Dept of State International Agreements Collection



# PublicInternational Law Resources

- International Trade
  - WTO
- Others

# Public International Law: Where do I start?

- Sources of international law: treaties, custom, general principles, judicial decisions, scholarly writings
- Consult general secondary sources
  - *Guide to International Legal Research*
  - *Germain*
  - *Accidental Tourist on the New Frontier*
- Consult periodical sources/journal indexes
  - <http://lexcalibur.lib.law.umich.edu/search/m?Journal+Indexes>
  - Index to Foreign Legal Periodicals (IFLP)
  - Index to Legal Periodicals (ILP)
  - Legal Trac

# Public International Law: Where do I find primary sources?

- Treaties (or conventions or protocols or declarations or acts or...)
- Treaty research can be daunting, but really NOT all that hard (really!)
- Treaty research generally falls into 3 categories:
  - Locating the treaty
  - Determining the status of a treaty
  - Interpreting its text

# Treaty Law Resources

- **Law Library's E-Resources, Categories: Treaties-**

<http://lexcalibur.lib.law.umich.edu/search/m?Treaties>

- Treaties

- Treaties & Agreements Library/HeinOnline (UST, TIAS, KAV)
- UN Treaty Collection (UNTS)
- US Dept of State International Agreements Collection

# Treaties

- To locate the text of a treaty...
  - Use a finding aid...
  - To find a citation to the text...
  - Which is published in one or more reporters in paper, microfiche, and/or online
- Use different sources depending on nature of the international agreement
- Many different ways and places to find the same thing

# Treaties

- Key questions to locating a treaty:
  - Is it bilateral or multilateral?
  - Is the U.S. a party?
  - What is the date?
- *See: Accidental Tourist* table, Ch. 6; pgs. 133-134. [Online in UM Law Library Catalog (title search) and paper in Ref Coll Bibliog Accident]

# Treaties

- US a party?

- Start with *US Treaties in Force*

- <http://www.state.gov/s/l/treaty/treaties/> (Treaty Affairs of US State Dept) or

- <http://www.heinonline.org/HOL/Index?collection=ustreaties> (HeinOnline/Treaties Library)

- UST
      - TIAS
      - UNTS

# Treaties

- United States Treaties (UST)

- Online: *Treaties and Agreements Library/HeinOnline*, 1950-1984, PDF documents

<http://www.heinonline.org/HOL/Index?collection=ustreaties>

- Paper: 1950 – [JX8 9 U58.3 A]
  - ~20+ time lag in publication

# Treaties

- TIAS – Like a slip opinion
  - Online/PDF 1996 : <http://www.state.gov/s/l/treaty/tias/> & <http://www.heinonline.org/HOL/Index?collection=ustreaties> (HeinOnline/Treaties)
  - Paper through 1996 [JX8 9 U58.3 A] – Click on link to “Latest Received” to see current TIAS receipts
    - ~10 yr time lag in publication

# Treaties

- Kavass (KAV): *United States Treaty Index & Hein Microfiche Series* [Ref Coll Indexes US treat]
  - Master Guide (Numerical) & various indexes
    - Subject
    - Country
    - Geographical Subject
    - Chronological
    - Current Treaty Index Service - updating

# Treaties

- Online: *Treaties and Agreements Library/HeinOnline*, PDF documents  
<http://www.heinonline.org/HOL/Index?collection=ustreaties>
  - KAV 0001-7503 (1987-2007)

# Treaties

- UN Treaties – UNTS

- Multilateral and bilateral, to which US may or may not be a party

- Paper: *United Nations Treaty Series* (UNTS), 1946- [JX9 UN.8 V.1]

- *League of Nations Treaty Series* (LNTS), 1929-1946 [Micro-10 LLMC 79-454]

# Treaties

- UN Treaty Collection - Electronic Resource List (Mostly PDF documents)  
(<http://lexcalibur.lib.law.umich.edu/search~S0?/mTreaties/mtreaties/1%2C2%2C19%2CB/exact&FF=mtreaties&1%2C18%2C>) Categories:

## Treaties

- *Multilateral Treaties Deposited with the Secretary-General* (paper (Ref Coll Indexes Multilat) & Online).
- *UNTS* 1946- [JX9 UN.8 V.1] & Online

# Treaties

- United Nations Law Collection – HeinOnline (<http://lexcalibur.lib.law.umich.edu/search/m?Treaties>) Categories: Treaties OR Subjects: United Nations
  - Collection of United Nations documents and serials, including the United Nations Treaty Series (UNTS), International Court of Justice Reports, UN yearbooks, and historical conference and legislative series documents.

# Public International Law: How do I find cases?

- Judicial decisions from international tribunals, national tribunals, arbitral panels
- No *stare decisis*
- National tribunals:
  - For US, research opinions of federal courts
  - For foreign jurisdictions, use foreign legal research techniques
    - Reynolds & Flores

# Public International Law: How do I find cases?

## ■ International tribunals

- <http://lexcalibur.lib.law.umich.edu/search/m?Courts+and+Judiciary>
- ICJ - Key international tribunal
- International Criminal Court
- International Criminal Tribunal for the Former Yugoslavia
- Etc.

# Finding Cases from the International Court of Justice (ICJ)

- ICJ website – <http://www.icj-cij.org/homepage/index.php?lang=en>
- Electronic Resource List  
(<http://lexcalibur.lib.law.umich.edu/search/m?International+Courts>) :  
Subjects: International Courts
- Browse or search cases – html & not PDF

# Finding Cases from the International Court of Justice (ICJ)

- United Nations Law Collection (ICJ) – HeinOnline

(<http://lexcalibur.lib.law.umich.edu/search/m?United+Nations>) Subjects: Courts & Judiciary OR Subjects: United Nations

- Full-text PDF cases, 1947-present

# Finding Cases from the International Court of Justice (ICJ)

- Official reporter for the ICJ is *Report of Judgments, Advisory Opinions and Orders*, 1947- , JX6 4.4 R3
- Another useful reporter is *Pleadings, Oral Arguments and Documents*, 1947-, JX6 4.4 P7, which is similar to records & briefs of the American appellate courts

# Public International Law: How do I find cases?

- Arbitral panels or individual arbitrators
  - No publication requirement
  - *Permanent Court of Arbitration* website
  - *Reports of International Arbitral Awards*

# International Arbitral Agreements

## ■ Permanent Court of Arbitration

- PCA administers arbitration, conciliation and fact finding in disputes involving various combinations of states, private parties and intergovernmental organizations.
- PCA uses its own modern rules of procedure, which are based upon the UNCITRAL Arbitration Rules.

# International Arbitral Agreements

- Summaries of Awards, Settlement Agreements and Reports. 1999 (JX6 2.6 1999) & [http://www.pca-cpa.org/showpage.asp?pag\\_id=1029](http://www.pca-cpa.org/showpage.asp?pag_id=1029) (Cases)
- Basic Documents. 1998 (JX6 2.3 P4512 B311 D63 1998) & [http://www.pca-cpa.org/showpage.asp?pag\\_id=1030](http://www.pca-cpa.org/showpage.asp?pag_id=1030)

# International Arbitral Agreements

- Reports of International Arbitral Awards 1948- (JX9 UN.8 V L49r).
  - Published in English or French
  - Include mediation and conciliation agreements and arbitral awards rendered by a tribunal or an individual selected by the parties

# International Arbitral Agreements

- CLOUT – Case Law on UNCITRAL Texts
  - Electronic Resource List (<http://lexcalibur.lib.law.umich.edu/search/m?International+Law>) Subjects: United Nations
  - Abstracts of court decisions and arbitral awards relating to the Conventions and Model Laws that result from the work of the United Nations Commission on International Trade Law (UNCITRAL)

# International Arbitral Agreements

- For more information, see *ASIL Guide to Electronic Resources for International Law/International Commercial Arbitration* – <http://www.asil.org/resource/arb1.htm>.
  - Other International Arbitral Institutions, such as International Court of Arbitration (ICA) and International Chamber of Commerce (ICC)

# Public International Law: Can I do topical research?

- Major issues have engendered enough sources to support topical research
- Some examples:
  - International human rights law
  - International refugee/asylum law
  - International environmental law
  - International business law
  - International taxation Law
  - ...and others
- Print and online sources
  - *Electronic Information System for International Law – EISIL:*  
<http://lexcalibur.lib.law.umich.edu/search/m?International+Law>



# Documents of International Organizations

- E.g., United Nations, WTO, EU, etc.
- Typically the best place to start is the organization's website

# Documents of International Organizations

- UM Library Documents Center -  
<http://www.lib.umich.edu/govdocs/>
  - Inter-govermental Organizations (IGOs)  
(<http://www.lib.umich.edu/govdocs/intl.html#IGOs>)
    - EU – Europa (portal server) Eur-lex (Legislation, Case Law, Treaties, etc)
    - UN – Official Document System (ODS)
  - Non-governmental Organizations (NGOs)  
(<http://www.lib.umich.edu/govdocs/intl.html#listsNGOs>)
  - Statistics (<http://www.lib.umich.edu/govdocs/stats.html>)

# United Nations Documents

## ■ ODS – Official Document System

### □ Electronic Resource List

(<http://lexcalibur.lib.law.umich.edu/search/m?United+Nations>) : Subjects: United Nations

### □ Includes Official Records of the major bodies of the UN, such as resolutions, reports, meeting records, decisions, speeches, etc.

#### ■ E.g, Speech given by Bush to the General Assembly on 11/10/01 discussing “outrageous conspiracy theories.”

#### □ Full-text search retrieved PDF version of speech (A/56/PV.44 )

# United Nations Documents

## ■ Access UN/Readex Microfiche

- Electronic Resource List

(<http://lexcalibur.lib.law.umich.edu/search/m?United+Nations>) : Subjects: United Nations

- Access UN does not provide much full-text documents, but citations to Readex Microfiche set
  - Law Library holds Readex fiche from 1946-2005
  - Document Center/Grad Library is an UN



# United Nations Documents

- Depository Library and holds fiche from 1946-present.
- Readex fiche is not complete set of all UN documents

# EU Law: Where do I start?

## ■ Consult secondary sources

- Book List on EU: Click on specific link to “European Union” -  
<http://lexcalibur.lib.law.umich.edu/screens/booklists.html>
- *European Union Law: An Integrated Guide to Electronic and Print Research* (Marilyn Raisch)  
<http://www.llrx.com/features/eulaw2.htm>
- *Europa*: Interinstitutional portal server of the EU:  
<http://europa.eu/index.htm>

# EU Law: How do I find primary sources?

- **Law Library's E-Resources, Subjects: European Union** <http://lexcalibur.lib.law.umich.edu/search/m?European+Union>
- **Eur-Lex**(<http://eur-lex.europa.eu/en/index.htm>): Free database of full-text & mostly PDF of primary sources:
  - Legislation - regulations, directives, decisions, recommendations, opinions
  - Case law - European Court of Justice, Court of First Instance
    - *European Court Reports* (official)
    - *Common Market Law Reports* (commercial)
  - Treaties
  - International agreements
  - *Official Journal*, L & C series
  - Etc.

# EU Law: How do I find primary sources?

- UM Law Library Research Guide:

- *Researching the Law of the European Union*

- <http://www.law.umich.edu/library/students/research/Documents/eu.pdf>

# Final Tips

- Stop by the Reference Desk:
  - Staffed 9am-midnight, 7 days/week
  - Librarians available Monday-Friday, 10-5pm
  - **Ask A Law Librarian**: Email reference service exclusively for UM Law Students:  
[askalawlibrarian@umich.edu](mailto:askalawlibrarian@umich.edu)