Crossing Borders: Adventures in International Legal Research

Anne Burnett, J.D., M.L.I.S.
Foreign and International Law Librarian
• What does the UN Security Council say about Syria?
• Is the U.S. a party to the Paris Convention for the Protection of Industrial Property?
• I’m writing a paper on human rights and climate change and don’t know where to start. Help!
Resolution 2258 (2015)

Adopted by the Security Council at its 7595th meeting, on 22 December 2015

The Security Council,


Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Syria, and to the purposes and principles of the Charter of the United Nations,

Expressing outrage at the unacceptable and escalating level of violence and the killing of over a quarter of a million people, including tens of thousands of child casualties, as a result of the Syrian conflict,

Gravely distressed by the continued deterioration of the devastating humanitarian situation in Syria and by the fact that urgent humanitarian assistance, including medical assistance, is now required by more than 13.5 million people in Syria — of whom 6.5 million are internally displaced, 4.5 million are living in hard-to-reach areas, including Palestinian refugees, and 393,700 civilians are trapped in besieged areas,
“International Law”
“Public International Law”

- Law governing the relations between states
- International organizations
- Individuals…human rights
Sources of International Law:

Per Article 38(1) of the Statute of the International Court of Justice:

• Treaties and other international agreements
• Customary International Law
• General principles of law
• Judicial decisions and teachings of qualified publicists
Strategy/Research Plan

• Is there a relevant treaty?
• What are states doing?
  – Diplomatically
  – Judicial decisions
• Int’l orgs?

But where do I start???
Secondary Sources

- Explanation
- Background, overview
- Citations to primary sources
- Encyclopedias, dictionaries, books, articles, research guides
Asylum, Diplomatic

Prakash Shah

Subject(s): Human rights; Diplomacy and consular relations

A. Notion

1. Diplomatic asylum refers to the idea that a diplomatic mission of a sending State has the right to offer protection to a → refugee present in the premises of the mission (→ Premises of Diplomatic Missions). It is distinguishable from the concept of → territorial asylum which entails an exercise of the sovereign right of a State to grant refuge from persecution on its own territory. Diplomatic asylum entails a derogation to the → sovereignty of the State in which the sending State has its diplomatic mission. With the possible exception of its being a norm of → regional international law, and except where it is temporarily granted for humanitarian reasons, there is no general right in international law to grant diplomatic asylum (see also → General International Law [Principles, Rules and Standards]). Any right of diplomatic asylum is not subjective to an individual, but a right of a State as against the sovereignty of another State (→ Individuals in International Law; see also → Subjects of International Law).

B. Historical Evolution of Legal Rules
mutual (legal) assistance

Requirements that the authorities of one State assist the authorities in another, usually in issues of criminal justice, have been included in bilateral and multilateral treaties for many years. For example, the Agreement on Mutual Legal Assistance between the European Union and the United States of America of 25 June 2003 (O.J. 2004/L 181/34) provides for general assistance in criminal matters, particularly assistance in bank information (art. 4), joint investigative teams (art. 5), video conferencing (art. 6) and assistance to administrative authorities (art. 8), coupled with safeguards to protect personal and other data (art. 9), and confidentiality (art. 10). Mutual assistance commitments can be viewed as a corollary to extradition. Thus the E.U.–U.S Agreement above has, as a complement, another Agreement between the same parties and of the same date on Extradition: O.J. 2004/L 181/27. See also the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 (E.T.S. No. 30) and its Optional Protocols of 17 March 1978 (E.T.S. No. 99) and 8 November 2001 (E.T.S. No. 182); and the Inter-American Convention on Mutual Assistance in Criminal Matters of 23 May 1992 (O.A.S.T.S. No. 75) and its Optional Protocol of 11 June 1993 (O.A.S.T.S. No. 77). A typical provision in the global counter-terrorism conventions calls for parties to afford each other the greatest measure of assistance in connection with criminal or extradition proceedings ..., including assistance in obtaining evidence at their disposal necessary for the proceedings; art. 10 of the.
Treatises books monographs etc

- Brownlie, *Principles of Public International Law*
- Buergenthal and Murphy, *Public Int’l Law in a Nutshell*
- Janis, *An Introduction to International Law*
- Oppenheims’s International Law
- Shaw, *International Law*

Recent acquisitions
what is the Sohn Library?
Law Review Articles

- Lexis
- Westlaw
- Hein Online
- Index to Legal Periodicals
- Index to Foreign Legal Periodicals
- LegalTrac
- EBSCO
- SSRN
Research Guides

• LLRX – collection of online guides
• GlobaLex – collection of online guides
• ASIL Electronic Resource Guide (ERG)
• Law Library Research Resources page
• use Google to find others
A Basic Tool

- “U.C.L.J.”
- Prince’s Bieber Dictionary of Legal Abbreviations
online documents from most authoritative sources
Source: Treaties

- subscription databases: Westlaw & Lexis, Hein Online
- Web: UN Treaties Online, GPO, Tufts, ENTRI, EISIL, int’l orgs, more
Treaties are also referred to as international conventions, international agreements, covenants, final acts, charters, protocols, pacts, accords, and constitutions for international organizations. Usually these different names have no legal significance in international law.

Treaties may be bilateral (two parties) or multilateral (between several parties).

A treaty is usually only binding on the parties to the agreement. An agreement "enters into force" when the terms for entry into force as specified in the agreement are met.

Treaties usually follow the same general process: adoption - signature - ratification. Each country follows its own ratification procedures, after which the ratification instruments are exchanged or deposited with a depository.

In the United States, ratification generally takes the following path: Executive branch negotiates and signs treaty - President submits treaty to Senate - Senate prints proposed treaty (S. Treaty Doc. No.) - Senate refers proposed treaty to Senate Foreign Relations Committee (SFRC) - SFRC conducts hearings (S. Hrg) and makes recommendation to full Senate (S. Ex. Rept) - Senate passes resolution of "advice and consent" to ratification of the treaty (Constitution requires 2/3 vote of a quorum of the Senate) - President ratifies treaty.

For many countries, ratification procedures are summarized in Constitutions of the Countries of the World (linked from the Law Library’s Research Resources page). Sources of State Practice in International Law (Basement KZ64 .S67) details the treaty ratification process for selected countries.
26 UST 2403; TIAS 8165; 1046 UNTS 120.
Parties:
Afghanistan
Antigua & Barbuda
Argentina ¹
Australia
Azerbaijan
Barbados
Belarus
Belgium ¹
Belize ²
Bosnia-Herzegovina
Brazil
State Dept: Treaty Affairs

• Most recent *Treaties in Force*
• Pending Treaties
“Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.”

Article 102 of the Charter of the United Nations

Use to get text and determine when adopted or concluded, who has signed and/or ratified and when, who has denounced, when it entered into force, any declarations or reservations, and more
21.4 Treaties and Other International Agreements

Citation of a treaty between two parties:

\[ \text{name of agreement} \]


Glication of a treaty among more than two parties:

\[ \text{name of agreement} \]


Citation of a convention published by an international organization:

### Primary Document

<table>
<thead>
<tr>
<th><strong>Title:</strong></th>
<th>Convention (III) Relative to the Opening of Hostilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternative Title(s):</strong></td>
<td>1907 Hague Convention III</td>
</tr>
<tr>
<td><strong>Available From:</strong></td>
<td><a href="http://www.icrc.org/ihl.nsf/385ec082b609a76c41256739003e636d/b59c84b75bfb1520c125641e0037a05a?OpenDocument">http://www.icrc.org/ihl.nsf/385ec082b609a76c41256739003e636d/b59c84b75bfb1520c125641e0037a05a?OpenDocument</a> <a href="http://www1.umn.edu/humanrts/instree/1907b.htm">http://www1.umn.edu/humanrts/instree/1907b.htm</a></td>
</tr>
<tr>
<td><strong>Conclusion Date:</strong></td>
<td>1907-10-18</td>
</tr>
<tr>
<td><strong>Entry Into Force Date:</strong></td>
<td>1910-01-26</td>
</tr>
<tr>
<td><strong>Description:</strong></td>
<td>The Convention (III) Relative to the Opening of Hostilities (the third 1907 Hague Convention) requires states to give explicit warning, either in the form of a declaration of war or an ultimatum with a conditional declaration of war, before beginning hostilities. Neutral powers must also be notified of the existence of a state of war.</td>
</tr>
<tr>
<td><strong>Legal Citation:</strong></td>
<td>205 CTS 264; 1 Bevans 819</td>
</tr>
</tbody>
</table>

**EISIL Categories:**

- [Home](#) > [Use of Force](#) > [Law of Armed Conflict](#)

**Keywords:**

- armed conflict
- humanitarian law

**Language(s):** English

**Site Administrator:**

International Committee of the Red Cross
webmaster.gva@icrc.org
Hein Online:

Includes treaties!

Includes treaty indexes!
Subject-specific Treaty Collections
Frequently-cited Treaties and Other International Instruments
http://libguides.law.umn.edu/frequentlycitedtreaties
Travaux Préparatoires

• the preparatory work (or "legislative history") of a treaty

• often used for the purpose of interpreting the treaty
<table>
<thead>
<tr>
<th>LOCATION</th>
<th>CALL #</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balcony</td>
<td>K3230.R45 A34 1994</td>
<td>AVAILABLE</td>
</tr>
</tbody>
</table>

Author: Weis, Paul
Title: *The Refugee Convention, 1951: the travaux préparatoires analysed, with a commentary / by the late Paul Weis*

Subject: Convention Relating to the Status of Refugees (1951)
Add author: University of Cambridge, Research Centre for International Law
ISBN/ISSN: 0521472964
Travaux préparatoires

1958 - Convention on the Recognition and Enforcement of Foreign Arbitral Awards

A. Draft Convention on the Recognition and Enforcement of Foreign Arbitral Awards and Comments by Governments and Organizations


E/2704 and Corr. - Report of the Committee (Resolution establishing the Committee, Composition and Organisation of the Committee, General Considerations, Draft Convention)


E/2822 - Report by the Secretary-General, 31 Jan 1956
E/2822/Add.1 - General Observations, Comments on Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
E/2822/Corr.1 - Comments by France on Article 4
E/2822/Add.2 - Comments by Greece on Articles 1, 3, 4
E/2822/Add.3 - General Considerations by the United States Chamber of Commerce and the International Institute for the Unification of Private Law
Customary international law results from a general and consistent practice of states followed by them from a sense of legal obligation.
"The determination of customary international law is more an art than a scientific method."

- Mark Janis, An Introduction to International Law
Source: Custom

Resources: your objective is to find evidence of state practice regarding international law

- diplomatic correspondence
- policy statements, press releases
- the opinions of government legal advisers
- official manuals on legal questions (e.g., manuals of military law)
- executive decisions and practices
- orders to military forces (e.g., rules of engagement)
- comments by governments on ILC drafts and corresponding commentaries
- legislation
- international and national judicial decisions
- recitals in treaties and other international instruments (especially when in ‘all States’ form)
- an extensive pattern of treaties in the same terms
- the practice of international organs, and resolutions relating to legal questions in UN organs, notably the General Assembly

from Brownlie’s Principles of International Law
references to:
• treaty collections
• sources of diplomatic documentation
• other materials that shed light on customary state practice in international law, including yearbooks and digests
• relevant web sites

Currently covers about 30 jurisdictions with plans to add more.
§ 603 State Responsibility for Marine Pollution

Restatement of the Law - The Foreign Relations Law of the United States  
(approx. 8 pages)

Comment:
Reporters' Notes

(1) A state is obligated

(a) to adopt laws and regulations to prevent, reduce, and control any significant pollution of the marine environment that are no less effective than generally accepted international rules and standards; and

(b) to ensure compliance with the laws and regulations adopted pursuant to clause (a) by ships flying its flag, and, in case of a violation, to impose adequate penalties on the owner or captain of the ship.

(2) A state is obligated to take, individually and jointly with other states, such measures as may be necessary, to the extent practicable under the circumstances, to prevent, reduce, and control pollution causing or threatening to cause significant injury to the marine environment.
Part I. Wartime Documents Looking Toward Peace

- The Four Freedoms - Annual Message of the President to Congress, January 6, 1941 (Excerpts)
- The Atlantic Charter, August 14, 1941
- Declaration by the United Nations, January 1, 1942
- Master Lend-Lease Agreement
- The Casablanca Conference, January 14-24, 1943
- The Quebec Conference, August 17-24, 1943
- Address by the President Before the Canadian Parliament at Ottawa, August 25, 1943 (Excerpts)
- Fulbright Resolution
- The Moscow Conference, October 13-30, 1943
- Connally Resolution, November 5, 1943
- United Nations Relief and Rehabilitation Administration (UNRRA), November 9, 1943
“Historical Documents: Foreign Relations of the United States”
Welcome to

Oxford Reports on International Law

The full scope of international case law - expertly analysed and inter-linked

Oxford Reports on International Law brings together decisions on public international law from international law courts, domestic courts, and ad hoc tribunals. It makes the full scope of international case law available in one place, accompanied by expert analysis. New cases are added daily, making Oxford Reports on International Law the most up-to-date source of international case law available. The site has been re-designed to improve the look and feel, the search and browse functionality, and to enhance its discoverability.

- The Oxford Law Citator
- Frequently asked questions
- Editorial policy, coverage, and process
- Browse all content

For Librarians:
- Step-by-step guide to migration
- Download MARC records
- Resources for librarians

Watch the Video:

Ecuador Wins Favorable Settlement from Colombia, Terminates Aerial Spraying Case in International Court of Justice
United Nations

South Sudan: UN deputy humanitarian chief calls for end to civilian suffering

26 February 2016 — The United Nations deputy humanitarian chief today called on all parties to the conflict in South Sudan to protect civilians and grant safe and unhindered humanitarian access as she wrapped up a two-day visit to the African country.
Libya report: Widespread human rights violations and abuses

A new UN Human Rights Office report on Libya documents the chilling stories of victims and witnesses which describe widespread human rights violations and abuses committed by both State and non-State actors.

+ More information
Other International Orgs
WIPO is the global forum for intellectual property services, policy, information and cooperation.

We deliver global services for protecting IP

File, manage or search patents, trademarks, designs and appellations of origin. Not there yet? Learn all about intellectual property and how to protect it.

Alternative dispute resolution

Settle IP and technology disputes out of court using the fast, flexible and cost-effective services offered by the WIPO Arbitration and Mediation Center.

Domain name disputes

Resolve trademark-abusive “cybersquatting” domain name disputes.

We shape international IP rules

Next meetings
WTO issues panel report on India’s domestic content requirements for solar products

Explore our areas of activity
- Trade negotiations
- Implementation and monitoring
- Dispute settlement
- Building trade capacity

10th MINISTERIAL CONFERENCE
15 – 19 December 2015
Nairobi, Kenya

NAIROBI PACKAGE
LATEST NEWS
DOCUMENTS
BRIEFING NOTES

Latest updates
- New publication: Status of WTO Legal Instruments
- New statistical profiles on global value chains
- Nairobi Package
- The WTO and the Sustainable Development Goals

Events and meetings
INTRODUCTION

This guide serves as a locator for some of the most frequently-used EU materials available in the UGA Law Library and on the web. Many of the print items received by the library are cataloged individually and shelved by call number. Use our catalog, GAVEL, to locate these materials. If you do not know the exact title of an item, try a keyword search in GAVEL.

The University of Georgia Law Library is a selective depository for EU documents (dating from the late 1980s to present). In addition to the items we receive through the depository program, the library also purchases a number of other documents and materials published by and about the institutions of the EU. Many of our EU depository items can be checked out, while others must be used in the Law Library.

The official EU site, Europa, provides access to a broad array of information about the organization, its member states, its institutions, its founding documents, and its work. EUR.Lex is the official portal to EU law. It is easy-to-use and includes, among many types of materials, the full text of the founding treaties, legislation, opinions, resolutions, case law, and parliamentary questions.

Click on the tabs above for tips on finding EU legislation, case law and secondary resources.
What Else Y’Got?

Foreign & International Materials

AccessUN - index to documents published from 1946 to date, provided by the University Libraries and available to University of Georgia campus users.

Art Law & Cultural Property - legislation and case law summaries regarding the acquisition and ownership of artworks in the resources International Cultural Property Ownership and Export Legislation (ICPOEL) and Case Law and Statutes (CLS)

Encyclopaedic Dictionary of International Law - The Parry and Grant Encyclopaedic Dictionary of International Law is a classic reference tool with > 2500 entries.

EUR-lex - free access to EU law including treaties, legislation, case-law and legislative proposals

Foreign Law Guide - current sources of codes and basic legislation in jurisdictions of the world.

Global Arbitration Review - international arbitration law journal and news service

Helix Online

• U.S. Foreign Relations
• Session Laws from Canada and Australia
• International Yearbooks
• U.S. law digests
• International tribunals/judicial decisions
• Significant works related to foreign & international law
• English Reports, full report 1220-1866
• European Center for Minority Issues
• Philip C. Jessup Library
• World Trials
• Kluwer Law international journals
• UN Law Collection
• World Constitutions Illustrated
• U.S. International Trade Library

Human Rights Documents - full text documents from worldwide NGOs

ICLR Online - case law from the Supreme and Appellate Courts in England and Wales

Justis - full text UK & Irish Case Law, UK Statute Law, and EU Information

Kluwer Arbitration - international commercial arbitration documents - note: initial registration must be completed on Law School computer

The Making of Modern Law: Foreign, Comparative, and International Law, 1000-1926 - digital archive of international and foreign law materials, including treaties

The Making of Modern Law: Foreign Primary Sources, 1600-1970 - historical legal codes, statutes, regulations and commentaries on codes from the United Kingdom, France, Germany and other northern European countries

Manuscripta - Indian legal and business information

Max Planck Encyclopedia of Public International Law - fully updated online edition of the Encyclopedia of Public International Law

Natl.lawWorld database - inter-American free trade materials (formerly InterAmNet)

Oxford Encyclopedia of Human Rights - comprehensive coverage of all aspects of human rights theory, practice, law, and history

Oxford International Encyclopedia of Peace - comprehensive survey of the full range of historical, political, theoretical and philosophical issues relating to peace and conflict

Oxford Legal Research Library - International Commercial Arbitration - includes texts that cover the key arbitral bodies and jurisdictions as well as a number of officially recognized and endorsed texts providing coverage of the rules of particular arbitral bodies. Also included are a number of key treaties looking at specific areas of international arbitration practice in more depth with topics ranging from consent and annulment through to the calculation of damages.

Oxford Reports on International Law* - decisions on public international law from international courts, domestic courts, and ad hoc tribunals

Oxford Scholarly Authorities on International Law - contains full-text online editions of Oxford University Press reference works and treatises on public international law, such as Oppenheim, and the Oxford Commentaries on International Law.

Pronounicator - lessons, pronunciation analysis, and flashcards for learning more than 80 different languages. To access Pronounicator’s language learning resources, including the ability to track coursework and use it on mobile devices, you must first create an account and password from this link

Recht für Deutschland - German law and administrative gazettes of the federal and state governments

RIA Worldwide Tax Law - to access, select International under the Search Practice Area: dropdown menu

Treaties and International Agreements Online - U.S. treaties; not available off campus

UN Treaty Collection - free access to UN Treaties and related information

What Else Y’Got?
Anne Burnett

aburnett@uga.edu

Law Library Annex – 2\textsuperscript{nd} Floor