

The City University of New York
CUNY SCHOOL OF LAW
Law in the Service of Human Needs

LAW LIBRARY RESEARCH GUIDE

INTERNATIONAL LAW RESEARCH

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DEFINING INTERNATIONAL LAW

International law is defined broadly to include the “legal system governing the relationships between nations; more modernly, the law of international relations, embracing not only nations but also such participants as international organizations and individuals (such as those who invoke their human rights or commit war crimes).” BLACK’S LAW DICTIONARY. Several different things are commonly referred to a “international law” including:

Public International Law – encompasses the laws governing relationships between different countries (e.g., the laws of war), certain relations between countries and individuals (e.g., human rights), and relations with intergovernmental organizations (e.g., the United Nations).

Private International Law – governs private relationships across international borders. Also known as “conflict of laws” which relates to what laws apply to cross-border private disputes. Private international law deals with cross-border family law, wills and estates, enforcement of foreign judgments, business transactions, etc.

Foreign & Comparative Law – foreign law is simply the national laws of foreign countries including constitutions, statutes, regulations, and case law. Sometimes called “municipal law.” Comparative law refers not to a substantive body of law, but rather the study of comparisons between two or more legal systems or countries.

“International human rights law,” “international criminal law,” “international humanitarian law,” “international environmental law,” etc. are loose subject divisions and relevant materials can come from a variety of sources.

For a general introduction to international law at CUNY see:

- MARK W. JANIS, AN INTRODUCTION TO INTERNATIONAL LAW, Call number KZ 3140.J36 A35 2003; or
- THOMAS BUERGENTHAL AND SEAN D. MURPHY, PUBLIC INTERNATIONAL LAW IN A NUTSHELL, Call number KZ 3410.B84 2007 (Reserve, ask at Circulation).

SOURCES OF INTERNATIONAL LAW

The primary sources of international law include:

1. **Treaties and Conventions** – express agreements between governments whether bilateral or multilateral.
2. **International Customary Law** – international customs and practices that by their “common adoption and long, unvarying habit” have “come to have the force of law.” BLACK’S LAW DICTIONARY.
3. **General Principles of Law** – general legal principles “recognized by civilized nations.” STATUTE OF THE INTERNATIONAL COURT OF JUSTICE, Art. 38.
4. **Judicial Decisions and Scholarly Commentary** – “judicial decisions and the teachings of the most qualified publicists of the various nations.” STATUTE OF THE INTERNATIONAL COURT OF JUSTICE, Art. 38.

These sources are the primary tools utilized in analyzing international law in preparation of an article or memorandum or advocating in a brief.

STRATEGIES FOR INTERNATIONAL LEGAL RESEARCH

For first time researchers of international law, we strongly recommend taking the *International Legal Research Tutorial* (Duke University) - <http://law.duke.edu/ilrt/> - an online interactive tool that walks through the basic forms of international law and suggests both online and print resources.

Begin with Research Guides

CUNY Law Library Website – “Research Links/International and Foreign Laws,”
<http://www.law.cuny.edu/library/legalsites/intlforlaw.html>

Electronic Resource Guide, <http://www.asil.org/erghome.cfm> - American Society of International Law (ASIL) guide to international legal research.

Electronic Information System for International Law (EISIL), <http://www.eisil.org/> - A related ASIL database of reliable and relevant electronic resources on international law.

GlobaLex, <http://www.nyulawglobal.org/globalex/index.html> - (NYU)

GUIDE TO INTERNATIONAL LEGAL RESEARCH, (George Washington Univ.), Call number KZ 1234. G85. (Reserve, ask at Circulation).

GERMAIN’S TRANSNATIONAL LAW RESEARCH, Call number K 85. G47 1991 (Reference)

Read and Consult Secondary Sources Relevant to Topic

Secondary sources can provide relevant background to put issue into larger context, provide information and leads on conventions and treaties, international customary law, general principles of law, and authoritative commentary relevant to a specific topic.

Locating Books, Treatises, Articles

CUNY + Online Catalog (CUNY Law School or all CUNY schools)

CUNY Law Library Website, <http://www.law.cuny.edu/library/legaldbs.html>

- Westlaw, Lexis & HeinOnline
- Index to Legal Periodicals & Books (current & “retro” 1908 – present)
- Index to Foreign Legal Periodicals

WorldCat (Libraries New York and worldwide), <http://www.worldcat.org/>

Non-Legal Articles and Resources, CUNY Law Library Website,
<http://www.law.cuny.edu/library/nonlegaldbs.html>

- Academic Search Premier
- JSTOR/Project Muse

Google Scholar/Google Books

Dictionaries and Encyclopedias

PARRY AND GRANT ENCYCLOPAEDIC DICTIONARY OF INTERNATIONAL LAW (John P. Grant & J. Craig Barker eds.) KZ1163. P37 2009

ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW, KZ 1160. E53 1992

Non-governmental/International Organizations Materials

E.g., International Committee for the Red Cross for international humanitarian law, http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_ihl_in_brief, or Human Rights Watch for human rights, <http://www.hrw.org/>). See also HuriSearch at <http://www.hurisearch.org/> which searches the websites of human rights organizations.

Find and Consult Relevant Primary Sources*Treaties and Conventions*

CUNY Law Library Website, International and Foreign Law, “Treaties”
<http://www.law.cuny.edu/library/legalsites/intlforlaw.html>

- ASIL Guide to Treaties, <http://www.asil.org/treaty1.cfm>
- EISIL database, <http://www.eisil.org/>
- Hein Online Treaties and Agreements Library, (use CUNY website)
- Westlaw & Lexis
- United Nations Treaty Collection,
<http://treaties.un.org/Pages/Home.aspx?lang=en>

U.S. Treaties, U.S. Department of State, “Treaties-in-Force 2013”
<http://www.state.gov/s/l/treaty/tif/index.htm>

Foreign Law Resources

Foreign Government Information

- Library of Congress - Country Studies, <http://lcweb2.loc.gov/frd/cs/cshome.html>
- CIA World Factbook - <https://www.cia.gov/library/publications/the-world-factbook/>
- Foreign Governments (Northwestern Univ.) –
<http://www.library.northwestern.edu/govinfo/resource/internat/foreign.html>
- Foreign Government Resources on the Web (University of Michigan) –
<http://www.lib.umich.edu/govdocs/foreign.html>

Foreign Constitutions, Legislation, and Case Law

- FOREIGN LAW GUIDE: CURRENT SOURCES OF CODES AND BASIC LEGISLATION IN JURISDICTIONS OF THE WORLD - online through CUNY, <http://www.law.cuny.edu/library/legalsites/intlforlaw.html>, and in hard copy, Call number K 38.R49 1989 (Reference Area).
- Law Library of Congress – Nations of the World <http://www.loc.gov/law/help/guide/nations.php>
- Library of Congress – Global Information Network (GLIN) <http://www.glin.gov/>
- Constitutions of Countries of the World – online through CUNY, <http://www.law.cuny.edu/library/legalsites/intlforlaw.html>, and in hardcopy, Call number K3157.A2 C65.
- World Constitutions Illustrated, on HeinOnline (use CUNY Website)
- GlobaLex, Foreign Law, <http://www.nyulawglobal.org/globalex/index.html#>

International Decisions/Case Law

International Court & Tribunals Library – World Legal Information Institute, <http://www.worldlii.org/int/cases/>

Westlaw – International Court of Justice, International Criminal Tribunal for Rwanda, International Criminal Tribunal for the Former Yugoslavia

Lexis – International Court of Justice, European Human Rights Reports

FINAL TIPS

- Don't confine your research just to online sources, come to the library and pull a book off the shelf
- Be careful, and skeptical, of websites
 - Try to stick to “vetted” sites
 - Beware of agendas and “experts”
 - Beware of any information for which you cannot find multiple sources
- Let us help, contact the International Law Librarian – at douglas.cox@mail.law.cuny.edu – or one of the other Legal Research Professors.