Introduction to Transnational Legal Research
Basic Sources and Strategies

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Foreign and Comparative
Law Librarian
This research guide is intended to assist researchers who have little or no experience in researching foreign law, private international law, public international law, or European Union law. The guide offers a brief introduction to the law in each area and its key sources. It does not contain a comprehensive list of sources, nor does it offer research techniques for researchers who are familiar with the areas of foreign, comparative, and international law.

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Transnational Legal Research: Definitions

- **Foreign and Comparative Law**
  - Law of jurisdictions outside the United States. Generally divided by type of legal system: civil law, common law, or other.

- **Private International Law**
  - Practice of domestic law across international boundaries, usually involving choice of laws. Includes international disputes and international business transactions.

- **Public International Law**
  - The “Law of Nations,” including such issues as human rights, refugee law, law of war and peace, etc.

- **Supranational Law**
  - Our only example: European Union law

Approaching a Transnational Legal Research Problem

- The approach is no different than for an American legal research problem. Simply follow the standard method for doing legal research.
  - **Preparation**
    - Spend some time thinking about the research problem. Consult research guides, and plan your general strategy. Note some keywords and subject phrases to be used for searching.
  - **Consult secondary sources**
    - Don't reinvent the wheel! Use articles, books, and other secondary sources as a springboard for your research. “Mine” the footnotes by looking up sources cited in the materials you find.
  - **Locate legislation**
    - Using citations from your secondary source research and other finding tools, locate legislation that is relevant to your issue.
  - **Locate case law**
    - Using citations from your secondary source research, digests, and other finding tools, locate relevant cases.
  - **Update research**
    - Using current awareness guides and other tools, update your research.
A Word About Language…

- One of the most foreign aspects of foreign (or international) law is that it may be presented in a foreign language. There is nothing you can do to change this. However, even if you are not multi-lingual, there are ways you can work with it.

- Find it in English, if you can. Look in *Reynolds & Flores* (see “Consult basic sources” in “Foreign and Comparative Law”, below) and other sources to find citations to translated materials. Many important laws of major jurisdictions have been translated into English.

- Look for official translations, if possible. These are translations that have been officially condoned by the issuing institution of a particular jurisdiction. Whenever you are not working with an official translation, be sure to note that fact on your work product.

- Use a bilingual legal dictionary to translate words and phrases. These are available in all major languages and many minor ones. For example,

  
  - *Dahl’s Law Dictionary (French-English/ Anglais-Français)* (1999) [Ref Coll: DC 35 F87 D131d].
  
  
  
  - EURODI CAUTOM [http://www2.echo.lu/edic/]. The multilingual terminological database of the European Union. Translates in 12 languages.

- Beware of misleading translations, even your own! The legal language of any jurisdiction is not necessarily simple or obvious, and the Spanish you learned in college likely will not be sufficient to translate legal materials from Spain. Furthermore, since legal terms exist within the rich context of their own legal systems, even simple translations can be deceiving. For example, an American attorney associates the word “trial” with many legal institutions (e.g., judge, jury, witnesses, cross-examination) that do not apply in a civil law context. Legal terms can change even when they are not translated across languages and legal systems; for example, consider the word “constitution” in the US and the UK, both English-speaking, common law jurisdictions!
Be willing to make judgments about what you will accept. A five-year-old, unofficial English translation of a law might be “good enough” for some purposes, especially when the current, official text is unavailable or there are no resources to have it translated.

For further reading on the challenges of researching foreign law in translation, try the following:

- **Foreign Law in Translation: Problems and Sources**, in *Introduction to Foreign Legal Systems* (1994) [Ref Coll: Bibliog Introduc].


- **New Approach to Legal Translation** (1997) [FL6 S24332n 1997].

*Foreign and Comparative Law*

*To start your research…*

- **Consult basic sources on foreign and comparative law and foreign legal research.**


  - Danner, R. and M. Bernal. *Introduction to Foreign Legal Systems* (1994) [Ref Coll: Bibliog Introduc]. Includes essays on various legal systems of the world, as well as chapters on the legal systems of France, Mexico, Japan, China, and Taiwan.

  - Germain, C. *Germain’s Transnational Law Research* (1991-) [Ref Coll: Bibliog Germain]. In addition to discussions of international legal research (see below), this single volume looseleaf includes bibliographies of books and articles on the legal systems of 17 major jurisdictions.


- Glendon, M. **Comparative Legal Traditions in a Nutshell** (2nd ed. 1999) [Main Dsk: FL6 G5584c 1999].


- **Consult country-specific secondary sources. For example.**


  - **Martindale-Hubbell International Law Digest** (1993-) [Ref Coll: Direct Martinda]. For many jurisdictions, provides brief summaries of laws, arranged by topic, and specific cites to law texts.


  - Ansay, T. and D. Wallace, Jr., eds. **Introduction to Turkish Law** (1996) [FL8 T9.9 I616 T93 1996]. Just what its title says. Includes a selected bibliography of books and articles on Turkish law.

  - And many others... Search in Lexcalibur (the Law Library’s online catalog) under “LC Subject”: Type law [country] as a starting search.

- **Consult periodical sources.** To find relevant articles, use a subject index.

  - **Index to Foreign Legal Periodicals** (1960-) [Ref Coll: Indexes Index to; also online, linked through Law Library homepage]. Indexes journals focusing on international law, comparative law, and the law of non-common law jurisdictions.

  - **Legal Journals Index** (1986-) [Ref Coll: Indexes Legal jo; also on WESTLAW (LJ1-INDX)]. Indexes journals devoted to European law, including European Communities and Member States.

  - **Index to Commonwealth Legal Periodicals** (1979-) [Ref Coll: Indexes Index_to]. Indexes journals focusing on law of the British Commonwealth.
- *Szladits’ Bibliography on Foreign and Comparative Law* (1955-). Subject-arranged bibliography of articles and books in English on foreign and comparative law. Also cites translations and reprints of codes, laws, and regulations.

- *LegalTrac* [linked through Law Library’s homepage]. Indexes US, UK, Canadian, and Australian legal periodicals, from 1980 to present.

**To locate primary sources…**

- **Legislation**

  - Look in *Reynolds & Flores* to determine where the major legislation is published, and whether there are any English translations. This publication also indexes major legislation by subject.

  - Most jurisdictions have official and unofficial publications of legislation, codified in various forms.

  - Certain types of laws may be collected in various compendium sources. For example,

    - *Constitutions of the World* (1995-) [Ref Coll: Const]. This looseleaf set contains English translations of current and historical constitutions, as well as an explanatory essay on the development of each constitution and a bibliography. Constitutions of dependencies and special sovereignties are in a companion volume, *Constitutions of Dependencies and Special Sovereignties* (1975-) [Ref Coll: Const].


  - Many jurisdictions publish laws in *Foreign Official Gazettes*. These are daily, weekly, or monthly publications that can include official notices, treaties, and other information, as well as legislation. Some are available in bound volumes,
others are published as pamphlets on newsprint. Some are indexed or include a
table of contents, others do not. A rich source of information, but can be tricky
to find and use.

♦ **Case Law**

- Look in *Reynolds & Flores* to determine where court decisions are published,
  and whether there are any English translations.
- Cases, especially in civil law countries, tend not to be translated as readily as
  legislation.
- Cases may appear in official or unofficial general reporters, or topical reporters.
- Case law research is truly a jurisdiction-specific effort. Refer to jurisdiction-
specific sources to determine how best to locate cases on your topic.

**Foreign Law Research on the Web…**

- A wealth of foreign law information is available online. In fact, there is so much
  information available that you may be in danger of becoming overwhelmed.
- Start with gateway sites that contain full-text documents, guides to foreign law, links
to other valuable sites, etc. For example,

  - **Cornell Legal Information Institute**
    [http://www.law.cornell.edu/world/]. Contains numerous links to sites
    and full-text documents. Arranged by country.

  - **Foreign and International Legal Databases**
    [http://www.law.nyu.edu/library/foreign_intl/]. Maintained by New
    York University School of Law Library. Contains numerous annotated links to
    legal databases and secondary sources. Foreign databases are organized by
    collection and jurisdiction.

  - **Foreign and International Law Web**
    [http://www.washlaw.edu/forint/forintmain.html]. Maintained by Washburn
    University School of Law Library, this site includes links to primary
    foreign and international legal resources, research aids, and sites useful in
    conducting research in these areas of the law. Arranged alphabetically by
    jurisdiction.

  - **FindLaw** [http://www.findlaw.com]. Under its “Foreign and International”
    folder, has links to legal sites for various countries. Listed alphabetically by
    country.
Private International Law

- Private international law concerns disputes or transactions in which the laws, jurisdiction, or court judgment of more than one country or jurisdiction are implicated. It is essentially domestic law practiced across foreign borders. No legal order or system exists above the national level to govern these situations; therefore, each nation develops its own “conflict rules” to determine which country’s domestic law will be applied to a given transnational dispute or transaction. In the United States, this is generally termed “Conflict of laws.”

- Conflict of laws research typically means doing foreign legal research and/or American legal research to determine which laws will apply, and which would be strategically the most beneficial, in a given situation.

To start your research...

- **Consult basic sources on private international law.** Examples of classic texts include:

- **If your issue concerns a transnational business transaction:**
  - **Consult basic sources on doing business in a foreign country.**
    - These are usually detailed, multi-volume sets, typically looseleaf, that are practitioner-oriented but scholarly in content. Often include translations of important relevant legislation. May well be all you need.
    - Some examples:

• **Doing Business in Mexico** (1980-) [FL8 M6.9 D6579 B97 1980].

• **Doing Business in Europe** (1972-) [LLF Common Mkt].

• **And many more…**

❖ **If your issue concerns a transnational dispute:**

➢ **Consult basic sources on international litigation.**


*If you need information beyond what is offered in the basic sources…*

❖ Do foreign and/or American legal research to discover the conflicts of laws information you need.

**You should also be aware of…**

➢ *European Community Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (the Brussels Convention)*, 1978 O.J. (L. 304) 1, and related treaties. These harmonized the conflicts of law provisions in the European Community, and are in force today throughout the European Union.
Public International Law

Sources of International Law

- The classic statement of sources of modern international law is generally considered to be set forth in Article 38 of the Statute for the Permanent Court of International Justice, Geneva, Oct. 5, 1921, 6 L.N.T.S. 389. Article 38 provides for several basic sources of international law:

  - “International conventions, whether general or particular, establishing rules expressly recognized by the contesting States...”. The typical form of this source of law is the treaty.

  - “International custom, as evidence of a general practice accepted as law...”. Unwritten law that has developed over time to the point of the existence of a legal obligation. Customary law may be derived from state diplomacy, practices of international bodies, and internationally accepted practices of domestic organs (such as the United States Supreme Court). It may be codified in written texts, including treaties, or documented in court decisions. International practices are often documented in international law digests, collections of state papers, and the official publications of national governments and international organizations.

  - “General principles of law” recognized by “civilized” nations.” Difficult to determine what these are, and where they are documented. Could be general principles of justice, natural law, analogies to private law, principles of comparative law, etc. Best documentation found in manuals, treatises, classic texts, encyclopedias.

  - “Judicial decisions and the teachings of the most highly qualified publicists...”. Judicial decisions come not only from international tribunals, but also national courts and arbitral tribunals, and are published in various case reporters. “Teachings” are found in treatises, monographs, scholarly articles, etc.

To Start Your Research...

- Consult basic sources on international law. Examples of classic texts include:


Other basic sources include:


Consult periodical sources.

Important journals in the field of international law include:

- *The American Journal of International Law* (1907-) [JX2 A51].

- *International and Comparative Law Quarterly* (1952) [JX2 I7 A5]. A British publication.

- **Harvard International Law Journal** (1967-) [JX2 H331].
- **Cornell International Law Journal** (1968-) [J X2 C814].
- **Michigan Journal of International Law** (1979-) [JX2 M762 Y39]. Of course!! Formerly titled **Michigan Yearbook of International Legal Studies**.

➢ To find relevant articles, use a subject index.
- Any of the general subject indexes listed under “Foreign Law,” above.
- **Public International Law: A Current Bibliography of Articles** (1975-) [Ref Coll: Bibliog Public I]. Published twice yearly.
- **The American Journal of International Law** (1907-) [JX2 A51]. Bibliographic section of each issue includes information on current periodicals.
- **RAVE** [http://www.jura.uni-duesseldorf.de/rave/e/englhome.htm; also linked through Law Library's homepage]. An index of recent publications (articles and decisions) in public international law and European law.

**To Locate Primary Sources…**

**Treaties**

- International agreements – variously called treaties, conventions, executive agreements, acts, declarations, principles, arrangements, accords, exchanges of notes, understandings, protocols, etc. – constitute the bulk of modern international law.

- Although the different terms carry no legal weight, very generally speaking a **treaty** tends to be a face-to-face agreement between nations. A **convention** tends to be multilateral. A **declaration** or a **principle** tends to express a non-binding intent to follow certain guidelines or customary practices. For convenience, this guide will use the term “treaty”.

- Treaty research can be one of the most daunting aspects of public international law. Below is a highly simplified, introductory guide to sources and strategies for treaty research. For further information, please see the following:

  ➢ Reuter, P. **Introduction to the Law of Treaties** (2nd ed. 1989) [JX3 R447in 1989e].


Research issues relating to treaties tend to fall into three categories: **Locating the text** of the treaty; **determining the status** of a particular treaty, including whether the treaty is in force, for which parties and with which reservations; and **interpreting the text** of the treaty.

*To locate the text of a treaty...*

- Use a treaty finding aid(s) to locate your treaty in a treaty series.

- *For treaties to which the United States is a party.*
  - Treaty series and other treaty sources:
    - *Senate Treaty Documents (S. Treaty Doc.)* (1981-) [JX8 9 U58.3 S4do]. Typically the first widely available official source of a treaty text. Continues *Senate Executive Documents* [X8 9 U58.3 S4d]. Also online: [http://www.access.gpo.gov/congress/cong006.html]
    - *United States Statutes at Large (Stat.)* (1778-) [Fed Coll: Stat]. Official source for US treaties from 1778 to 1950. For 1778-1845, all treaties found in vols. 7 and 8; after 1845, in parts 2 or 3. Volume 64, part 3 (pages B1107-B1182) has a cumulative list of treaties contained in vols. 1=64, arranged alphabetically by country and topic.
• **Treaties and Other International Acts Series (TIAS)** (1946-) [JX8 9 U58.3 S7tr]. Official source for all US treaties and agreements after 1950. Published as individual pamphlets, under TIAS number. Later cumulated into **United States Treaties (UST)** (see below) consecutively by TIAS number. Tends to run at least two to three years behind date when treaty was concluded.

• **United States Treaties and Other International Agreements (UST)** (1950-) [JX8 9 U58.3 A]. Annual official compilation of the TIAS. Treaties published in English and any other official languages. Each volume includes index of countries and subjects. Publication lags many years behind.

• **Hein’s United States Treaties and Other International Agreements: Current Microfiche Service** (Hein) (1990-) [Micro-10 S408]. Full text of US treaties, updated bimonthly. Arranged by KAV number (see below).

• Bevans, C.E., ed. **Treaties and Other International Agreements of the United States of America, 1776-1949 (Bevans)** (1968) [JX8 9 U58.3 1968]. Covers the time period prior to TIAS and UST (although *United States Statutes at Large* is the official source for this time period). Contains English text or official translation. Annotations give historical information for the most significant treaties. Volume 13 contains a general index. Volumes 1-4 contain multilateral treaties arranged chronologically; volumes 5-12 contain bilaterally agreements arranged alphabetically by country.

• **WESTLAW (USTREATIES)**. Full-text source covering all TIAS numbers from 6/18/79 forward, S. Treaty Doc. from the 103rd Congress to current. For treaties in force, text reproduced from TIAS or S. Treaty Doc. (If TIAS number not available, gives KAV number.) For treaties not in force, text reproduced from S. Treaty Doc. Excellent source for very recent treaties and agreements. Search by words in text and by fields, including parties and signatories.

• **Finding aids:**

  • **Congressional Index (CCH)** (1937/38-) [Ref Coll: Docs Commerce]. The Senate volume tracks all pending S. Treaty Doc.

• **Treaties in Force (TIF)** (1929-) [JX8 9 U58.1 U5t]. Gives citation to official published texts in TIAS and UST. Part one lists bilateral treaties by country, then subject; part two lists multilateral treaties by subject. Also online:

• Kavass, I., comp. *A Guide to the United States Treaties in Force (the “Guide”)* (1982-) [JX8 9 U58.1 K21g]. Commercial guide published in parts. Gives citation to treaties in TIAS, UST, S. Treaty Doc.; also by KAV number. Part 1 contains full entries with citations to published treaty texts; also includes list by TIAS and KAV (see below) number of all treaties listed in the latest TIF, as well as several lists determining status of treaties. Part 2 has lists of treaties by country and subject. Part 3 has a chronological list of multilateral treaties and a list of treaties by country and international organization. Supplemented regularly by *Guide to United States Treaties in Force: Current Treaty Action Supplement*.


➢ For treaties to which the United States is not a party:

• Treaty series and other sources:


  • **International Legal Materials (ILM)** (1962-) [JX2 A516i]. Bimonthly publication of the American Society of International Law. Includes texts of selected current treaties, draft treaties, other documents of international law. Also includes an Annual Index. Available on WESTLAW (ILM); treaties and agreements available on LEXIS (INTLAW library; ILMTY file).

• Parry, C., ed. **Consolidated Treaty Series (CTS/Parry)** (1969) [JX8 3 C65 1969]. Includes texts of world treaties from 1648-1919, in original language(s) plus any existing translations in French or English. Special finding aid is Parry, C., ed. **Index-Guide to Treaties: Based on the Consolidated Treaty Series** (1979-1986) [JX8 3 C65 1969 index]. Seven volumes of chronological lists, and a five-volume party index.

• **European Treaty Series (ETS)** (treaties catalogued separately). Includes treaties among the members of the Council of Europe, from 1950.

• **European Conventions and Agreements** (1993-) [JX9 CE.1 E89tz 1993]. Includes treaties from 1949.

• **Organization of American States Series** (treaties catalogued separately). Includes multilateral treaties concluded among countries of the Western Hemisphere.

- **Finding aids:**

  • **Multilateral Treaties Deposited with the Secretary-General: Status as of 31 December [year] (UN-Multi.)** (1982-) [Indexes Multilat]. Provides citation to UN documents and other full-text sources.


  • Parry, C., ed. **Index-Guide to Treaties: Based on the Consolidated Treaty Series** (1979-1986) [JX8 3 C65 1969 index]. Seven volumes of chronological lists, and a five-volume party index.
To determine the status of a particular treaty...

- Use any of the finding aids listed above, especially Treaties in Force for US treaties.


- Chart Showing Signatures and Ratifications of Council of Europe Conventions and Agreements (1976-) [J X9 CE.55 L496 E831]. Published annually.

To interpret the text of a treaty...

- This is a complex process in itself. You will need to study the legislative history of your treaty, its application by the executive and the judiciary, and its analysis by writers on international law. In researching the legislative history of a treaty, an extensive search of the documentation of the governmental agencies of each party is required. Proceedings of the conference that led to the conclusion of the treaty, as well as documents of international organizations, must be consulted. Last, but not least, treatises and periodicals dealing with the subject matter of the treaty must be reviewed.

- For legislative history of US treaties, do a standard American law analysis, including review of Senate Executive documents, reports and debates in the Congressional Record.

- For legislative history of non-US treaties, do foreign law research of the party countries to determine an appropriate analysis.
Judicial decisions on international law issue from international tribunals (most importantly, the International Court of Justice), national tribunals, and arbitral tribunals. Decisions interpret treaties and may help to identify or elaborate customary law; however, pursuant to article 59 of the Statute for the Permanent Court of International Justice, Geneva, Oct. 5, 1921, 6 L.N.T.S. 389, these decisions are fact-specific and do not have precedential value.

To locate decisions of international tribunals...

- **International Court of Justice**
  - *Pleadings, Oral Arguments, and Documents* (1947-) [JX6 4.4 P7 et seq.]. “Briefs and records” of selected cases before the International Court of Justice. Catalogued separately.
  - *International Court of Justice Homepage* [http://www.icj-cij.org/]. Includes links to all contentious cases and advisory opinions referred to the Court from 1946 to present. Also includes unpublished pleadings and transcripts of oral argument.
  - **Finding aids and research guides:**
    - *Yearbook of the International Court of Justice* (1946-) [JX6 4.3 Y3]. Contains, among other court information, a bibliographic list of all cases before the court. Runs several years behind in publication.
    - Lauterpacht, H., ed. *International Law Reports* (1919-) [JX6 6 I61]. Reprints selected decisions of national tribunals, but also indexes decisions of the International Court of Justice, the European Court of Justice, Administrative Tribunal of the International Labor Organization, etc. Has cumulative indexes.
- **European Court of Justice**
  - See discussion under “Supranational Law”, below.

- **European Court of Human Rights**
  - *Publications, Series A—Judgments and Decisions* [J X9 CE.55 H95pa et seq.]. Cases classified individually.
  - *European Court of Human Rights Homepage* [http://www.echr.coe.int/]. A comprehensive website, including lists of pending cases, texts of decisions. Also includes a fully searchable database of court decisions.

  - **To find decisions of national tribunals...**
    - A large body of judicial decisions dealing with international law may be found in the national court reports of individual countries, using foreign legal research techniques.
    - International law in the United States is almost exclusively within the jurisdiction of federal courts. To find international law cases decided by US courts, use standard American law research techniques. In addition, see specialized compilation digests such as *Digest of United States Practice in International Law* (1973-1980) and *Cumulative Digest of United States Practice in International Law* (1981-) [J X2 D51 U58].
    - Individual countries also sometimes publish compilations of cases involving international law. For example,
      - *American International Law Cases* (1971-) [Casebks American]. Includes cases from 1783 forward. Lags behind some years in publication. Includes its own index.
      - *British International Law Cases* (1964-1973) [Casebks British]. Selected cases from British courts. Cumulative index for first eight volumes.

  - **To find decisions of arbitral tribunals...**
    - Decisions of arbitral panels generally are not required to be published and are therefore more difficult to locate than published court decisions.
    - *Reports of International Arbitral Awards* (1948-) [J X9 UN.8 V L49r]. United Nations publication. Published in English or French (depending on the
original), these reports include mediation and conciliation agreements, as well as arbitral awards rendered by a tribunal or individual arbitrator.

➢ Permanent Court of Arbitration [http://www.pca-cpa.org/]. Contains basic documents of the Permanent Court of Arbitration, as well as summaries of recent and pending cases.


To do topical research…

➢ Many of the major issues being discussed in modern international law have engendered enough resources to support specialized research on a topical basis. A very brief list of research guides and starting points for topical research on several such issues includes the following:

➢ International Human Rights Law


➢ Human Rights Library [http://www1.umn.edu/humanrts/]. Comprehensive online library containing treaties, documents, UN documents, cases, research guides, and links to over 2,500 other related sites.

International Human Rights Resources on the Web
[http:// www.nd.edu/~lawlib/research/guide_humanrts.html].
Includes a topical survey, with linked sources.

International Environmental Law

- *International Environment Reporter (BNA)* (1978-) [LLF Environ; also on WESTLAW and LEXIS]. Contains treaties, outlines of the environmental legal systems in more than 25 countries, list of current national environmental laws, digest of major court decisions.
- *ECOLEX* [http:// www.ecolex.org/]. “A new initiative to provide global access to environmental law information.” Includes multilateral treaties, national legislation, court decisions, and other information.

International Business Transactions

To Find Documents of International Organizations…

- **Consult basic reference sources for law of international organizations.**
  - Schermers, H.G. *International Institutional Law* (2nd ed. JX9 A.1 S326i].

- **United Nations**
  - To locate information about the UN, consult general secondary sources.
    - *Yearbook of the United Nations* (1947-) [JX9 UN.8 I Y3; latest ed in Ref Coll]. Describes proceedings and activities of the UN and special agencies for the year. References to official UN documents provided. There is a three-year lag between the year reviewed and the date of publication. However, this is the best place to begin research on any UN-related issue.
    - *United Nations Juridical Yearbook* (1962-) [JX9 UN.8 V U582]; latest ed in Ref Coll]. Concentrates on legal activities of the year, including review of judicial decisions by international and national tribunals.
    - *United Nations Chronicle* (May 1964-) [JX9 UN.8 I U582]. Published monthly. Contains a complete record of the activities of the previous month.
To locate UN documents...

- UN documents and sales publications are issued in mimeographed, offset, or printed form. They are identified by series symbol, sales code, or Official Record designation.

  - For more information on document identification, see *United Nations Documentation: Research Guide*, above.

  - The Law Library has collected the mimeographed documents and Official Records of the United Nations on microfiche from 1946 to present (*Readex Microfiche Collection* [Micro-10 UN].

  - The Law Library also has paper copies of the Official Records from 1946-1980, as well as copies of various UN sales publications. In addition, Hatcher Graduage Library, which is a UN depository library, has paper records of all official UN publications.

  - UN documents are also available online through the United Nations website's **Documentation Centre** [http://www.un.org/documents/].

Finding aids for UN documents:

- **UNDOC: Current Index** (1984-) [Ref Coll: JX9 UN U563]. Covers documentation issued from 1979 to current.


- **Access UN** [http://www.newsbank.com/un/]; also linked through Law Library's homepage. The online index to UN documents in the Readex fiche collection. Searchable on many different terms. Indexes documents dated 1956-present.

- **World Trade Organization**


  - **WTO Web Site** [http://www.wto.org/]. Main sections of the site include *The WTO* (introduction to the WTO and world trading system); *WTO News* (press releases, speeches, etc.); *Trade Topics* (documents and materials on particular sectors of trade); and *Documents* (agreements, Documents Online database, with legal texts and over 100,000 official documents).
- **SICE Foreign Trade Information System** [http://www.sice.oas.org/]. Includes full-text of trade agreements between countries of the Western Hemisphere, dispute settlement documents, official reports, and documents of selected commercial arbitration.

**International Law Research on the Web...**

- A wealth of international law information is available online. In fact, as with foreign law, there is so much information available that you may be in danger of becoming overwhelmed.

- Start with gateway sites that contain full-text documents, guides to international law, links to other valuable sites, etc. For example,

  - **Internet Research in International Law** [http://www.ll.georgetown.edu/intl/presentations/aalsworkshop.htm].

  - **Guide to Foreign and International Legal Databases** [http://www.law.nyu.edu/library/foreign_intl/].

  - **Max Planck Institute for Comparative Public Law and International Law, Compilation of Relevant Links** [http://www.virtual-institute.de/en/link/eeinf.cfm].


  - **International and Foreign Law Resource Center** [http://www.llrx.com/resources4.htm].

- **WESTLAW and LEXIS** have various databases and folders related to international research, including treaties, documents, cases, and current awareness tools. See WESTLAW and LEXIS documentation for more information.
Supranational Law: the Law of the European Union

To Start Your Research…

Consult basic secondary sources, including periodical sources.

Some research guides and basic treatises on EU law include:

- Carpenter, L. **Legal Research and the Law of the European Communities** (1990) [Ref Coll: Bibliog Carpente].

To find periodical references, use subject indexes, including those listed in “Foreign and Comparative Law,” above. Also use the following:

- **ECLAS** [http://europa.eu.int/comm/libraries/catalogues/index_en.htm]. Union catalogue of the European Commission libraries. Indexes numerous periodical articles relating to the EU. (See ECLAS, below, for more information.)
- **European Integration Current Contents** [http://www.law.harvard.edu/programs/JeanMonnet/TOC/index.html]. Provides access to tables of contents of journals relevant to European Integration, including law. Updated biweekly.
- **SCAD** [http://europa.eu.int/scad/index.htm]. Bibliographic database with references to 300,000 + documents, including articles from over 170 journals. Periodical references include abstracts. **No longer updated as of 3/1/01.**
To find primary sources…

 европейский союз институты и их роль в законодательном процессе

- **Commission**: Acts as the “government” in a Parliamentary system by initiating legislation and submitting proposals to the Council of Ministers.

- **Council of Ministers**: Represents the Member States. Acts on Commission proposals, and is the final legislative authority. May request the Commission to propose legislation.

- **European Parliament**: Composed of Representatives directly elected by populations of the Member States. Acts as a forum for debate and comment upon proposed legislation. Committees review proposed legislation, and draft a report and opinion for consideration by the plenary.

- **Economic and Social Committee**: Composed of members appointed by Member States, representing industry, labor and consumers. May be asked to give an opinion on proposed legislation.

- **European Court of Justice**: Highest level of authority in the EC. Decides cases interpreting legislation.

*Types of EU Legislation*

- **Primary Legislation**: The founding Treaties, as amended, and other European Union agreements.

- **Secondary Legislation**:
  - **Regulations**: Community laws adopted by the Council of Ministers upon a proposal by the Commission. Directly binding on all Member States, with the force and effect of a national statute.
  - **Directives**: Community laws adopted by the Council of Ministers upon a proposal by the Commission. Binding upon Member States to which they are addressed with respect to the results to be achieved; Member States may individually choose methods of implementation.
  - **Decisions**: Community laws, issued by the Commission or Council. Directly binding on those to whom decision addressed.
  - **Recommendations**: Adopted by the Commission or Council. Have no binding force.
  - **Opinions**: Written statements by the Commission, Council or Committees. Have no binding force, but indicate policy.
Finding Treaties

- All EU legislation is adopted under an article or provision of the Community treaties. Treaties are therefore considered the primary European Union law.

To find treaties:

- In print...
  - Official Journal of the European Communities, L Series (see below).
  - International Legal Materials (1962-) [JX2 A516i]. Current source for treaties and other international agreements.

- Online...
  - CELEX (see below).
  - WESTLAW (EU-TREATY), LEXIS (TREATY) (see below).

To find legislation:

- The major source of European Union regulations, directives, and other legislation is the Official Journal of the European Communities (“OJ”). Published in several series, plus annex.

  - In print...
• Online...
  ♦ EUR-Lex [http://europa.eu.int/eur-lex/en/oj/index.html; also linked through Law Library’s homepage]. Full text of the OJ available within 24 hours of publication. Only archives texts for approximately one month. Also includes recent case law from the International Court of Justice and Court of First Instance.
  ♦ CELEX (see below).
  ♦ WESTLAW, LEXIS (see below).

• Finding aids for the Official Journal...
  ♦ In print...


  ➢ **Directory of Community Legislation in Force** (1984-) [Ref Coll: Indexes Director; JX9 EC A D598 C73 L5 (all but latest)]. Subject-indexed. Published every six months, in June and December. (Also online; see below.)

  ➢ **European Current Law Monthly Digest** (1992-) [Ref Coll: FL6 E893 C976 L41]. Contains subject indexes of regulations and directives. This digest is cumulated annually and published as **European Current Law Yearbook** (1992-) [Ref Coll: FL6 E893 C976 L41]. The precursor to this digest, dating from 1973-1991, is entitled **European Law Digest** [J X9 EC.62 E89Ld].

• Online...

  ➢ **Directory of Community Legislation in Force** [http://www.europa.eu.int/eur-lex/en/lif/index.html]. The online version is updated monthly; covers both proposed and enacted legislation. Full-text retrieval is also available for most acts indexed.
To find case law...

- EU case law is reported in opinions issued by the European Court of Justice and the Court of First Instance.
- Cases are initially published in French (the operating language of the court) and in the language in which the case was argued. All cases are eventually translated into all languages of the European Community, but this can take up to two years.

To find cases when you have a citation:

- In print...
  - If your citation is to E.C.R., look in Reports of Cases before the Court of Justice and the Court of First Instance (European Court Reports) (1954-) [JX9 EC.6 R425].
    - The official reporter of the Courts. It contains both court decisions and opinions of the Advocates-General.

  - The Law Library collects this reporter in both English and French, and also subscribes to slip opinions for both courts in both languages. French language slip opinions are usually available before the English.

  - The official reporter is less current than the commercially published reporters, typically running from several months to several years behind.

  - If your citation is to C.M.L.R., look in Common Market Law Reports (1962-) [JX9 EEC.5 C73].
    - The most commonly cited commercial reporter. Much more current than the official reporter, however it does not reprint all cases. It also contains selected national court decisions.

  - If your citation is to CEC (CCH) or to Common Mkt. Rep. (CCH), look in European Union Law Reporter (1962-) [LLF: Common Mkt].
    - Very current looseleaf service. Does not reprint all cases. Also contains selected national court decisions.

- Online...
  - CELEX (see below).
- **ECLAS** (see below).

- **WESTLAW, LEXIS** (see below).

  - *To find cases by topic:*

    - Use a digest or similar case-finding tool:

      - **In print...**


          - This digest is cumulated annually and published as **European Current Law Yearbook** (1992-) [Ref Coll: FL6 E893 C976 L41]. The precursor to this digest, dating from 1973-1991, is entitled **European Law Digest** [JX9 EC.62 E89Ld].

        - **Butterworth’s EC Case Citator and Service** [Ref Coll: Indexes Butterwo]. Listing of cases by official case number, name of first party, treaty provision, regulation, directive, decision, name in common usage, keyword.

        - **European Union Law Reporter** (1962-) [LLF: Common Mkt]. Volume 4 of this service contains a subject index under the “Topical Index” tab.

        - **Digest of Case Law Relating to the European Communities** (1981-) [JX9 EC.6 D572 1981]. Not very current; typically runs three to four years behind.

      - **Online...**

        - **ECLAS** (see below).

        - **CELEX** (see below).

        - **European Court of Justice Homepage** [http://europa.eu.int/cj/en/act/index.htm]. Searchable on “words in text.”

    - **WESTLAW, LEXIS** (see “Using WESTLAW and LEXIS”, below).
European Union Legal Research on the Web…

- A wealth of EU law information is available online. In fact, once again, there is so much information available that you may be in danger of becoming overwhelmed.

- Start with gateway sites that contain full-text documents, guides to EU law, links to other valuable sites, etc. For example,

  - Europa [http://europa.eu.int; also linked through Law Library homepage]. The vast interinstitutional server of the European Union.


  - Europa@Internet [http://www.uv.es/cde/euinternet/]. Directory of sites with official and unofficial European Union information.


  - Eurolnternet [http://eiop.or.at/euroint/] Yet another one.

- ECLAS

  - ECLAS [http://europa.eu.int/comm/libraries/catalogues/index_en.htm] is the union catalogue of the European Commission libraries. ECLAS includes the EU’s official publications and documents of most intergovernmental organizations, commercial, academic and government presses, and “selected periodical articles of lasting interest” related to EU law. Indexing is comprehensive from 1978 to present, and includes “key materials” from previous years. Search button on lower left of page; scroll down to find it.

    - ECLAS is searchable on words or phrases. Complicated instructions provide for field restrictions and other advanced techniques (see “Extended help” button).

    - Retrieval list includes links to full-text versions of documents.

- CELEX

  - CELEX (Communitatis Europae Lex) is the document database of the European Union.

    - CELEX includes four principal groups of documents:
- **Legislation**: Includes treaties, international agreements, EU secondary legislation, and national implementing legislation of Member States.

- **Case Law**: Includes decisions from the European Court of Justice, the Court of First Instance, and opinions of the Advocates-General.

- **Preparatory Documents**: Includes Commission proposals, Common Positions of the Council, and opinions of the Economic and Social Committee.

- **Parliamentary Questions**: Includes written and oral questions of the European Parliament addressed to the Commission and the Council.

- The CELEX document database includes:
  - **Official Journal**: Includes the entire content of the *L Series* of the *OJ*. It offers partial coverage of the *C Series* (the information section of the *C Series* is not available).
  - **European Court Reports**: Includes all case law from the European Court of Justice and the Court of First Instance.

- The CELEX database is available online at two principal locations:
  - **“Real” CELEX** [http://europa.eu.int/celex/htm/celex_en.htm].
    - This site is available by subscription only. The Law Library subscribes and we can provide you with the password at the Reference Desk.
    - Real CELEX is fully searchable in each of the 11 official languages of the EU. Most documents are full-text.
    - The database is updated weekly; most of the *OJ* is online within days of its publication.
    - Real CELEX is not a particularly user-friendly database. Searching is complicated, and results can be difficult to interpret. If you plan to use real CELEX, go first to “About CELEX” and follow the links to the “Online User Guide” and the “Online Demonstration” and spend some time getting used to the database before you start research.

- **CELEX on WESTLAW**
  - The CELEX database on WESTLAW is made up of six subsidiary databases (*Legislation*, *Treaties*, *Preparatory Documents*, *Cases*, *Parliamentary Questions*, *National Provisions*), which can be searched individually or as a whole.
• The CELEX database runs from eight to 12 weeks behind the publication of the OJ.

• WESTLAW CELEX is more familiar and user-friendly than Real CELEX, but it's less current. It's a trade-off.

❖ **SCAD**


❖ **SCAD is no longer being updated as of 3/1/01. Although SCAD is currently still available as an archive, it is unclear how long this will continue to be the case.**

❖ The database is divided into four “sectors”:

  - Sector A: Community legislation
  - Sector B: Official publications
  - Sector C: Articles from periodicals
  - Sector D: Opinions from the two sides of the industry
  - In addition, a “News Update” section provides access to a selection of the most recent documents on the activities of the European Union.

❖ Indexes sources from the L and C Series of the OJ, documents from the European Parliament, other official publications published by EU institutions, articles from over 1500 journals dealing with EU issues, and opinions and position papers from EU-related industries.

❖ The database is searchable in two ways:

  - **General Search**: Permits searching on such terms as sector, domain, words in title or abstract, etc.

  - **Search on a Number**: Permits searching for a legislative document when the legislative reference number or OJ cite is known.

  - Search results may be displayed by cite, bibliographic fields, text fields, or all fields.
**WESTLAW**

- Find **treaties, legislation, cases, official documents** in various “EU-“ databases.

- Also find **current awareness tools**. Some examples:
  - **SPI CERSEU**: Abstracts of legislation, regulations, directives, decisions, proposals, notices, background information, press releases, newsletters, written European Parliament questions, and Court of Justice cases. Concentrates on material from the *Official Journal* “C” and “L” series and Commission Documents; and also draws upon 70 other sources of European Union information.
  - **EURUPDATE**: Documents prepared by DRT Europe Service, SA covering a broad range of issues and industries in the. Documents analyze EU policy, EU legal topics, and other topics, and include references to the OJ.
  - **PTS NEWS**: Full text of specialized newsletters that focus on international and EU topics.
  - **EUROREP**: The *European Report*, a newsletter containing European Union information.

**LEXIS**

- Find **treaties, legislation, cases, official documents** in various folders.

- Also find **current awareness tools**. Some examples:
  - **European Report (EURRPT)**: Newsletter containing European Union information. *See WARNING below.*
  - **RAPID (RAPID)**: Includes press releases, news items, memos and speeches made available through the EC Commission's Spokesman's Service. Updated daily.
  - **European Insight (EURINS)**: Weekly newsletter providing information about the week's EU-related happenings.
One Last Tip: If you have questions...

- Ask a librarian!! If you are faced with a research problem, please do not waste your valuable time and energy wondering about any aspect of transnational legal research. The Reference Desk is staffed daily from 9 a.m. to midnight; professional librarians are either at the Desk or available to assist you from 9 a.m. to 6 p.m., Monday through Friday. We are here to help you; in fact, it would make our day! Come see us...