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Resources for Foreign, Comparative, and International Legal Research

By Kate E. Britt

In our increasingly globalized world, a legal issue outside of American domestic law can pop up in a variety of circumstances. Commercial transactions, marriage and custody issues, immigration statuses, and more may involve the law of another nation or be governed by an international treaty. This article outlines some resources to help you tackle foreign, comparative, and international legal issues, whenever they arise.

To begin, it is important to define whether your research is a matter of foreign, comparative, or international law (abbreviated *FCIL* in library circles). *Foreign law* is simply the domestic law of a foreign country. *Comparative law* is the scholarly study of the similarities and differences between the legal systems of different jurisdictions, such as between civil law and common law countries.¹ Generally, common law countries include those whose legal system was impacted by British colonialism (like the United States and India), while civil law countries derive their legal system from the Roman Emperor Justinian's civil code (like France and Japan).² Legal systems are often mixed (like Louisiana in the U.S. and Goa in India), so it is important to find resources specific to the relevant jurisdiction before making assumptions.

Public international law is the legal system governing the relationships between countries and other participants in international relations, including international organizations and individuals, and is also known as *the law of nations*. Treaties, international agreements, and intergovernmental organizations like the United Nations are all examples of *public international law*. In contrast, *private international law* refers to conflict of laws as applied to jurisdictions

across national borders, and is frequently applied in commercial and business legal practice. Note that *international law* usually implies *public international law* and not *private international law*. An umbrella term for all law which regulates actions or events that transcend national frontiers, including but not limited to public and private international law, is *transnational law*.³

When approaching an unfamiliar body of law, legal research guides give researchers a foundational understanding of the structure and operation of the law. Many law libraries have created excellent research guides on various FCIL subjects and global jurisdictions. Two go-to places for quality guidance are Foreign Law Guide and GlobaLex. Foreign Law Guide (also known as FLG or Reynolds & Flores) is a database covering approximately 190 jurisdictions across the world.⁴ Each jurisdiction's guide includes overviews of its government and legal system, official and unofficial sources of primary law, and laws organized by subject. Users can subscribe to FLG or access it through a subscribing institution (e.g., the University of Michigan).⁵

A freely available source of FCIL research guides is GlobaLex from the Hauser Global Law School Program at New York University School of Law.⁶ GlobaLex is an excellent

starting point for research into FCIL jurisdictions, issues, and institutions. Make sure you are using the most recent version of each subject guide by checking the publication date displayed under the introduction; a superseded guide will have a link to "Read the update." All subcategories discussed in this article, including intergovernmental organizations and individual countries, are likely to have a guide on GlobaLex.

Treaties

Just as you would consult the relevant statute or case text, if the controlling law is a treaty, agreement, or convention, you must begin your research with the text. Determine if the agreement is bilateral, between the U.S. and one other body, or multilateral, involving three or more bodies. Signatory parties may include the U.S. government, the United Nations, non-U.S. governments, international organizations and Secretariats (IGOs), non-governmental organizations (NGOs), and other bodies. Get your bearings on treaty research with *An Introduction to Sources for Treaty Research* by Engsberg and Chappell Lyles with GlobaLex.⁷ For a more comprehensive guide to performing treaty research, consult University of California Berkeley School of Law's *United*

Commercial transactions, marriage and custody issues, immigration statuses, and more may involve the law of another nation or be governed by an international treaty.

The World Trade Organization (WTO) is currently the only global international organization dealing with the rules of trade between nations.

*Nations Treaties: A Research Guide: Quick Start Guide.*⁸

The *United Nations Treaty Collection* is an excellent resource for international agreements to which the U.N. is a party.⁹ The collection contains a wealth of information on the status of current and historical international agreements. Formerly only available in print, it provides access to the United Nations Treaty Series as a fully searchable online database that includes all international agreements registered or filed and recorded by the Secretariat since 1945.

For a listing of treaties to which the United States is currently a party, consult *Treaties in Force*. Organized by country and subject, *Treaties in Force* is an annual publication of the U.S. Department of State and available to download for free on its website.¹⁰ The State Department website also provides the texts of international agreements to which the U.S. is or was a party, organized by year dating back to 1981, with its *Treaties and Other International Acts Series*.¹¹ Congress.gov provides the official text of all treaties to which the U.S. is or was a party dating back to 1973 (93rd Congress). Search for a specific treaty or select “Browse” and click “Treaty Documents by Topic” at the bottom of the page. Be sure to select “All Congresses” from the drop-down menu to browse the complete collection.

The text of trade agreements to which the United States is a party—including NAFTA’s successor, the United States-Mexico-Canada Agreement—is available on the website of the Office of the U.S. Trade Representative.¹² The text of the Trans-Pacific Partnership is also on this site, with the disclaimer that the United States has formally withdrawn from the agreement. The U.S. Sen-

ate identifies which treaties have been received or approved in the current congress on its website.¹³

If you have access to a HeinOnline subscription, Hein’s U.S. International Trade, U.S. Treaties and Agreements Library, United Nations Law Collection, and World Treaty Library are invaluable resources of historical and current treaty texts, legislative histories, scholarly articles, and other relevant materials. Check with your nearest law library to determine the availability of this resource.

International organizations

United Nations

Many United Nations decisions, documents, and resolutions are now available on the U.N. Official Documents System website.¹⁴ This database includes most U.N. documents published starting in 1993 and many (but not all) documents originally published between 1946 and 1993. Far from a monolith, the U.N. system is a complex group of organizations, institutions, and entities.¹⁵ The U.N.’s Dag Hammarskjöld Library maintains a library of research guides that are invaluable to interested researchers.¹⁶

European Union

The European Union is made up of numerous bodies that contribute to or create law. Each institution has its own website which makes its documentation available, but one database offers official, comprehensive, free access to all European Union law: EUR-Lex.¹⁷ This database includes the *Official Journal*, treaties, legislation in force, legislation in preparation, parliamentary questions, caselaw, national transposition

measures, and many other documents. You can quickly search for regulations, directives, cases, and other publications using a known document number. If you do not have a citation or specific terms to search for, you can browse by subject, by EU institution or body, or by keyword using Euro-Voc. EUR-Lex does a good job of organizing a large and unwieldy body of documents, but new users may find themselves flummoxed by the many bodies with similar names and interrelated functions. I recommend perusing *European Union Legal Materials: An Infrequent User’s Guide* by Duncan Alford with GlobaLex before diving into the deep end.¹⁸

World Trade Organization

The World Trade Organization (WTO) is currently the only global international organization dealing with the rules of trade between nations. Find the official documents of the organization’s councils, committees, working groups, and other organizations through the WTO’s official document portal.¹⁹ All official documents of the WTO’s predecessor, the General Agreement on Tariffs and Trade (GATT), are public; an incomplete digital archive of these documents is available on the WTO website as well.²⁰ The New York University Law Library’s WTO/GATT Research is a thorough guide for researching these materials.²¹

Intergovernmental organizations and tribunals

The websites of intergovernmental organizations are often organized in similar ways. Membership, organizational structure, history, and governing documents may be found in the “About” section. Official reports, studies, yearbooks, bibliographies, and conference proceedings are commonly called *publications* or *resources*. Day-to-day records like agendas, transcripts, letters, and preliminary drafts of documents are often called *materials*. Speech transcripts of IGO leaders may be found in the “News” or “Media” sections. If browsing the sections is insufficient, use the site’s search box.

The following is a select listing of other major IGO and tribunal websites:

- African Union: <<https://au.int>> [<https://perma.cc/9UAK-2SWR>]
- Association of Southeast Asian Nations: <<https://asean.org>> [<https://perma.cc/MKB2-E4NA>]
- European Court of Human Rights: <<https://www.echr.coe.int>> [<https://perma.cc/9H75-9TQW>]
- Organization of American States: <<https://www.oas.org/en>> [<https://perma.cc/DY43-2WPS>]
- Inter-American Commission on Human Rights: <<http://www.oas.org/en/iachr>> [<https://perma.cc/5DB8-XVS5>]
- Inter-American Court of Human Rights: <<https://www.corteidh.or.cr/index.cfm?lang=en>> [<https://perma.cc/5T5J-F4NC>]
- North Atlantic Treaty Organization (NATO): <<https://www.nato.int>> [<https://perma.cc/EDA2-7WG6>]
- World Health Organization: <<https://www.who.int>> [<https://perma.cc/MT38-9YMW>]

Foreign law

The ability to easily locate foreign law depends on the stability of the individual jurisdiction's government and publishing industry. Many jurisdictions publish primary law and other legal materials freely online, but the law of other jurisdictions may only be available in print. Be mindful of the political situation in a jurisdiction; the laws of a war-torn nation may not be readily accessible.

Some non-English-speaking jurisdictions include official English translations of primary law, but many do not. Be prepared to make judgments about what you will accept. An unofficial five-year-old 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.

When approaching an unfamiliar jurisdiction, research guides can help you start from the ground up—learning how its legal system is structured, where laws or cases are published, and how to find official law and other documents either in print or online. If not available online, find the name of the relevant code, reporter, or other publication in the Foreign Law Guide, on *GloLex*, or elsewhere, and search *WorldCat* to determine if there is a library from which you can borrow the text or request it through interlibrary loan.

Finding the individual websites of foreign legislatures and judiciaries may be taxing, especially if you need to search multiple courts or institutions of one nation. The freely available website *World Legal Information Institute* searches more than 1,800 databases containing legal materials of 123 jurisdictions drawn from official websites and other sources.²² Researchers can use *WorldLII* to avoid jumping from site to site and performing the same search over and over. For a more focused search of a particular region, you can use other LIIs like the *Asian Legal Information Institute* or the *British and Irish Legal Information Institute*. ■



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ENDNOTES

1. Unless otherwise stated, all definitions are from *Black's Law Dictionary* (11th ed).
2. Tetley, *Mixed Jurisdictions: Common Law vs. Civil Law (Codified and Uncodified)*, 60 *La L Rev* 678, 682–683 (1999), available at <<https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=5822&context=lalrev>> [<https://perma.cc/M35Q-TR2M>]. All websites cited in this article were accessed August 19, 2020.
3. Jessup, *Transnational Law* (New Haven: Yale University Press, 1956), p 2.
4. Hoffman, *Foreign Law Guide*, BRILL <<https://referenceworks.brillonline.com/browse/foreign-law-guide>> [<https://perma.cc/646j-Z8FD>].
5. *Foreign Law Guide*, University of Michigan Library <<https://search.lib.umich.edu/catalog/record/015023839>> [<https://perma.cc/LWS4-AKNM>].

6. <<https://www.nyulawglobal.org/globalex/>> [<https://perma.cc/7UAS-YBJL>].
7. <https://www.nyulawglobal.org/globalex/Treaty_Research1.html> [<https://perma.cc/N7SR-UJ5Q>].
8. <<https://libguides.law.berkeley.edu/c.php?g=326699>> [<https://perma.cc/7AYH-GTR4>].
9. <<https://treaties.un.org>> [<https://perma.cc/FXD7-ZVUP>].
10. <<https://www.state.gov/treaties-in-force/>> [<https://perma.cc/JGE9-8JMW>].
11. <<https://www.state.gov/tias/>> [<https://perma.cc/WE4T-M74W>].
12. <<https://ustr.gov/trade-agreements>> [<https://perma.cc/A85B-K79D>].
13. <https://www.senate.gov/legislative/treaties_new.htm> [<https://perma.cc/L44U-XBHR>].
14. <<https://www.un.org/en/sections/general/documents/index.html>> [<https://perma.cc/S3MD-7S9S>].
15. <<https://research.un.org/en/docs/unsystem>> [<https://perma.cc/6SZR-9S45>].
16. <<https://research.un.org/en>> [<https://perma.cc/8XMZ-TTKM>].
17. <<https://eur-lex.europa.eu/homepage.html?locale=en>> [<https://perma.cc/FQK7-KYRK>].
18. Drake <https://www.nyulawglobal.org/globalex/European_Union1.html> [<https://perma.cc/D37Z-FXST>].
19. <https://www.wto.org/english/docs_e/docs_e.htm> [<https://perma.cc/J4A2-MEBB>].
20. <https://www.wto.org/english/docs_e/gattdocs_e.htm> [<https://perma.cc/7UMS-VV5A7>].
21. <https://nyulaw.libguides.com/wto_gatt> [<https://perma.cc/T2P6-PU5P>].
22. <www.worldlii.org> [<https://perma.cc/687T-LFFD>].

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN

NOTICE OF AMENDMENTS AND PROPOSED AMENDMENTS TO LOCAL RULES

The United States District Court for the Eastern District of Michigan publishes proposed amendments and approved amendments to its Local Rules on its website at www.mied.uscourts.gov. Attorneys are encouraged to visit the court's website frequently for up-to-date information. A printer-friendly version of the Local Rules, which includes appendices approved by the court, can also be found on the website.