AN INTRODUCTION TO INTERNATIONAL LEGAL RESEARCH

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AN INTRODUCTION TO
INTERNATIONAL LEGAL RESEARCH

I. Introduction .................................................................................................................................................... 1

II. Guides to International Law Research ............................................................................................................ 1

III. General Texts, Encyclopedias, and Dictionaries ............................................................................................. 2
  A. General Texts .............................................................................................................................................. 2
  B. Encyclopedias .............................................................................................................................................. 3
  C. Dictionaries ................................................................................................................................................. 3

IV. Sources of International Law .......................................................................................................................... 4
  A. Treaties ....................................................................................................................................................... 4
     1. Selected Treatises on the Law of Treaties .............................................................................................. 4
     2. Treaties of the United States (Full Text Sources) ................................................................................... 6
     3. Indexes to U.S. Treaties .......................................................................................................................... 8
     4. Worldwide Treaties (U.S. may be a party) (Full Text Sources) ............................................................. 10
     5. Indexes to Worldwide Treaties (U.S. may be a party) ......................................................................... 11
     6. Locating Status and Amendment Information ..................................................................................... 11
     7. Specialized Treaty Databases in LEXIS and WESTLAW ......................................................................... 13
  B. International Custom ................................................................................................................................ 13
     1. Introduction .......................................................................................................................................... 13
     2. Sources for U.S. Practice in International Law ...................................................................................... 15
     3. Sources of Practice for Other States ..................................................................................................... 18
     4. Documents and Resolutions of International Organizations .................................................................. 22
  C. General Principles of Law .......................................................................................................................... 23
  D. Decisions of International Judicial or Arbitral Tribunals ........................................................................... 23
     1. Permanent Court of International Justice (PCIJ) ................................................................................... 23
     2. International Court of Justice (ICJ) ........................................................................................................ 25
     3. Other International Tribunals ............................................................................................................... 30
     4. Domestic Court Decisions ..................................................................................................................... 31
  E. Teachings of the Most Highly Qualified Publicists .................................................................................... 32
     1. Collections of Lectures .......................................................................................................................... 32
     2. Bibliographic Databases for Locating Treatises on International Law .................................................. 33
     3. Resources for Locating Periodical Literature on International Law ...................................................... 33
I. Introduction

To the lawyer comfortable with the building blocks of American legal research (statutes, regulations, and judicial decisions), the sources of international law seem arcane and nebulous. Locating the applicable rules of international law concerning any given legal problem is not a skill taught in first year legal research and writing classes.

The purpose of this guide is to introduce the neophyte researcher to the sources of international law and the basic research tools available to find them. It is not intended to be a comprehensive guide to the international law collection of the Jacob Burns Law Library, nor does it attempt to cover specialized areas of international legal research. Nonetheless, familiarity with the basic sources and search strategies described below are easily transferable to research in other areas of international concern.

More detailed information regarding the library’s holdings in specific subject areas not covered by this guide can be found by consulting the Library’s online catalog, JACOB, at http://jacob.nlc.gwu.edu/, or by contacting the Foreign/International Law Librarian, Herb Somers, at 202-994-5177.

For additional information, please see the following LibGuide available from the Law Library’s website: Finding Treaties and International Agreements at Burns Law Library at: http://www.law.gwu.edu/Library/Research/Pages/Research_Guides.aspx

To determine if a source listed in this guide is available through LexisNexis or Westlaw:

Lexis Advance: Select “Browse Sources” and enter the name of the source in the “Search Sources” box.

WestlawNext: Enter the name of the source in the search box at the top of the page and select source from the list. (Note: at this writing, there is a limited amount of international law materials available on WestlawNext.)

II. Guides to International Law Research

The following sources provide introductory information and instruction in international legal research. Several of the titles below also provide assistance with specialized areas of international law research.


Primarily a guide to international legal writing, this concise work provides an introduction to the process of international legal research and writing.


This coursebook provides instruction on locating the sources of public international law as well as how to research specific topics such as human rights law, international trade, and international environmental law.


A Nutshell guide to international legal research.

Produced by the staff of the George Washington International Law Review, this reference work is an excellent comprehensive guide to international legal research. Of particular interest is the section offering Internet links to international and foreign legal resources.


See Chapter 11 for public international law research tips.

III. General Texts, Encyclopedias, and Dictionaries

When approaching an international law question, consulting a general reference work or treatise is a good first step in order to frame the issues involved. The library has a number of texts that provide excellent introductions to basic international law concepts. The titles listed below are some of the more respected general treatises and reference works on the subject.

A. General Texts


B. Encyclopedias


Individual volumes include the following subjects:

Vol. 1, Settlement of disputes;
Vol. 2, Decisions of International Courts and Tribunals and International Arbitrations;
Vol. 3, Use of Force, War, and Neutrality Peace Treaties (A-M);
Vol. 4, Use of Force, War, and Neutrality Peace Treaties (N-Z);
Vol. 6, Regional Cooperation, Organizations, and Problems;
Vol. 8, Human Rights and the Individual in International Law. International Economic Relations;
Vol. 9, International Relations and Legal Cooperation in General. Diplomacy and Consular Relations;
Vol. 11, Law of the Sea. Air and Space;
Vol. 12, Geographic Issues


This is a reprint with addenda and some revisions of articles published in the twelve volume set of the same name listed above.

An updated and expanded online edition of the *Max Planck Encyclopedia of Public International Law* is also available. See:  [http://opil.ouplaw.com/home/EPIL](http://opil.ouplaw.com/home/EPIL)


C. Dictionaries


IV. Sources of International Law

Article 38 of the Statute of the International Court of Justice (ICJ) lists the following sources of international law: “(a) international conventions [treaties], whether general or particular, establishing rules expressly recognized by the contesting states; (b) international custom, as evidence of a general practice accepted as law; c) the general principles of law recognized by civilized nations; (d) and as subsidiary means, the ...judicial decisions and the teachings of the most highly qualified publicists of the various nations.” Following are print and electronic publications available at the Jacob Burns Law Library useful in locating these sources of international law.

A. Treaties

With the treaty’s importance as the primary means for regulating interstate relations, familiarity with the major compilations of treaty texts and the reference tools necessary to locate them is an essential research skill. For a more detailed explanation of treaty research, consult A Guide to Treaty Research (available at the Reference Desk or at http://www.law.gwu.edu/Library/Research/Pages/Research_Guides.aspx).

1. Selected Treatises on the Law of Treaties


a. Works on Treaty Practice


2. Treaties of the United States (Full Text Sources)

Treaties and Other International Acts Series (TIAS), Washington, D.C.: Dept. of State, 1946-.

Individual pamphlets issued in this series represent the first official publication of a U.S. treaty in its final form. This source covers treaties not yet published in the bound United States Treaties and Other International Agreements (UST) series. Each publication is numbered chronologically. Publication of TIAS pamphlets run approximately five years behind the treaty’s proclamation.

Print: SL1: KZ235.32 .U55
Online: LEXIS (1985-present)
WESTLAW (1984-present)
Hein Online, Treaties and Agreements Library
State Department, Office of Legal Adviser
http://www.state.gov/s/l/treaty/tias/

United States Treaties and Other International Agreements (UST), Washington, D.C.: Dept. of State, 1952-.

UST is the official bound publication of U.S. Treaties arranged chronologically, with a TIAS to UST conversion table. This set also includes relevant presidential proclamations, diplomatic correspondence and conference documents. This collection has ceased publication and it useful only for historical U.S. treaties.

Print: SL1: KZ235.3 .U55
Hein Online, Treaties and Agreements Library (UST volumes 1-35, 1950-1984):

ILM is a very current source for selected treaty texts, texts of significant agreements, and some draft treaties.

Print: Reserve: Latest issues only: K9.N875

Online: WESTLAW: International Legal Materials (1980-)
Hein Online, Treaties and Agreements Library (1962-present):

Hein's United States Treaties and Other International Agreements Current Service, Buffalo, N.Y. : W.S. Hein, 1990-. (Library has Release no. 1 (1990)-present)

This microfiche set provides full-text reproductions of current U.S. treaties that have not yet been assigned TIAS numbers. Treaties reproduced in the set are designated with a KAV prefix in the print Guide to United States Treaties in Force.

Microform: LL1: Fiche 304

Online: Hein Online, Treaties and Agreements Library (1987-2012; Listed as KAV Agreements)

Senate Treaty Documents/Senate Executive Documents/Senate Executive Reports:

● Senate Treaty Documents were called Senate Executive Documents before 1981. They contain the texts of treaties as submitted to the Senate for its advise and consent, along with accompanying messages from the President and the Secretary of State. Senate Treaty Documents are numbered sequentially within each Congress (e.g., Treaty Doc. 99-1). Once a treaty is submitted to the Senate, it retains its treaty number (e.g. Treaty Doc. 99-1), through subsequent Congresses, until it is ratified, defeated, or withdrawn.

● Senate Executive Documents were originally lettered sequentially within each session of Congress (e.g., Exec. Doc. A). Beginning in 1981, Senate Executive Documents were replaced by Senate Treaty Documents.

● Senate Executive Reports, issued by the Senate Foreign Relations Committee after its consideration of individual treaties contain the committee’s analysis and recommendations regarding approval by the whole Senate.

Microform: Senate Executive Documents and Reports (with Index) (1817-1969): LL1: Fiche 99
CIS Microfiche Library (with Index) (1970-present): LL1: Fiche 110

Online: FDsys (99th Congress (1985)-present):
http://www.gpo.gov/fdsys/search/advanced/advsearchpage.action
From the Advanced Search page, select the Congressional Documents collection.
WESTLAW: United States Treaties and other International Agreements
(Senate Treaty Documents 103rd Congress (1993) – present).
ProQuest Congressional (coverage varies)
http://congressional.proquest.com/congressional/search/basic/basicsearch
The texts of all U.S. treaties before 1950 appeared in Statutes at Large. This statutory
compilation served as the predecessor to UST. Volume 8 of Statutes at Large includes the texts
of all U.S. treaties from 1776-1845.

Print: LL1: Gov. Docs.
Online: WESTLAW: United States Statutes at Large (1779-1972)
Hein Online. U.S. Statutes at Large Library

Treaties and Other International Agreements of the United States of America, 1776-1949

This is an unofficial source for the text of all treaties appearing in Statutes at Large and other
series. Volumes 1-4 are multilateral agreements arranged chronologically by signature date
while volumes 5-12 are bilateral agreements arranged by country.

Print: SL1: KZ236 1968 v. 1-13
Online: LEXIS
Hein Online, Treaties and Agreements Library

Unperfected Treaties of the United States of America, 1776-1976, Dobbs Ferry, N.Y. : Oceana

This set provides the texts of proposed U.S. treaties never entered into force (U.S. Senate did
not give its advice and consent).

3. Indexes to U.S. Treaties

Treaties in Force : a List of Treaties and Other International Agreements of the United States in

Treaties in Force (TIF) indexes only U.S. treaties in force as of January 1 of each year. Treaties are
arranged by broad topics and by country. Entries provides citations to the UST or TIAS series as
appropriate.

To identify new treaties that the U.S. has become a party to since January 1, or to determine if any
new parties have acceded to a particular multilateral agreement, it is necessary to consult other
more current sources.

Print: Ready Reference: KZ235 .T74
Online: LEXIS: U.S. Treaties in Force (Current edition; links to full text)
WESTLAW: United States Treaties in Force (2011 edition is latest)
Hein Online, Treaties and Agreements Library
http://heinonline.org/HOL/Index?collection=ustreaties
State Department website:
http://www.state.gov/s/l/treaty/tif/index.htm

A commercial publication, Guide to United States Treaties in Force expands on the indexing of Treaties in Force (TIF) by including agreements entered into force after TIF’s publication. It also includes non-binding and other unrecorded international agreements as well.

Online: Hein Online, Treaties and Agreements Library (1982-2013):
http://heinonline.org/HOL/Index?index=ustreatiesgi&collection=ustreaties


Volume 64 at page 1107 indexes all U.S. treaties published in Statutes at Large for the period 1776 - 1949 by country.

Online: Hein Online, U.S. Statutes at Large Library


This is an index to U.S. treaties, 1776-1990 which is updated periodically. This set includes legislative history information and subsequent amendments.

International Legal Materials (ILM)

As noted above, ILM is a very current source for selected treaty texts, texts of significant agreements, and some draft treaties.

Print: Reserve: Latest issues; SL1: Bound volumes: K9 .N875
Online: WESTLAW: International Legal Materials (1980-)
Hein Online, U.S. Treaties and Agreements Library (1962-present):
http://heinonline.org/HOL/Index?index=ustreaties&collection=ustreaties
4. **Worldwide Treaties (U.S. may be a party) (Full Text Sources)**


ILM is a very current source for selected treaty texts, texts of significant agreements, and some draft treaties.

**Print:** Reserve: Latest issues;

**Online:** *WESTLAW* *International Legal Materials* (1980-)

*Hein Online, U.S. Treaties and Agreements Library* (1962-present):


This is the official set for texts of multilateral and bilateral agreements on a worldwide basis for 1946 to date. Texts are provided in multiple languages.

**Print:** SL1: KZ172 .T74 for Vols. 1-532 (with gaps), 801- present

**Microform:** LL1: U.N. Docs. Volumes 1-890


- full text of bilateral and multilateral treaties registered with the UN and published in the print UNTS volumes in PDF format
- Treaties searchable by title/keyword, subject, country, registration number or popular name
- Includes many treaties signed prior to 1946
- Status information, registration and volume numbers are provided for most treaties

*Hein Online, United Nations Law Collection:* (Vol. 1-present):


[Location: SL1: KZ170.5 .T74]

As the predecessor treaty compilation to UNTS, this set provides texts of treaties from 1920 to 1945. Index volumes are available with the set but lack an overall cumulation.


*Hein Online, United Nations Law Collection:*


The major worldwide compilation of treaties 1648 to 1919. Provides coverage prior to the League of Nations and the United Nations treaty compilations, but note that this is an unofficial publication. There are no subject indexes, only chronological and party indexes.

5. Indexes to Worldwide Treaties (U.S. may be a party)


This is a useful index for locating multilateral treaties throughout the world for the period 1856-1983. Citations are given to official and unofficial treaty sources, with detailed information about dates, signatories, status, and parties.

Multilateral Treaties Deposited with the Secretary-General, New York : United Nations, 1982- Annual.

This is an index to over 500 major multilateral treaties deposited with the United Nations. Citations are given to the official United Nations Treaty Series (UNTS), if available. If no UNTS citations are available, references are given to other United Nations documents containing the text of the treaty. Information about the date of entry into force and a list of participants is also given.

Online: UN Treaty Collection website at: http://treaties.un.org/Pages/ParticipationStatus.aspx (Frequently updated.)


This is an excellent source for locating the texts of multilateral treaties to which the U.S. may or may not be a party. The Multilateral Treaty Calendar contains a detailed subject index and a chronological list of all multilateral treaties concluded between 1648-1995. For each treaty entry, citations to relevant print treaty compilations are included. Information concerning treaty amendments, modifications, extensions, and terminations is also included.

6. Locating Status and Amendment Information

a. U.S Treaties

Congressional Index. Updated weekly.

Senate action on a particular treaty is listed in the "Treaties-Nominations" section of the Congressional Index Senate binder. Treaty entries are arranged by Senate Treaty Document number. A subject index is also included.
This annual guide, updated with supplements, can be used to verify whether a particular treaty is in force.

**Online:** *Hein Online, Treaties and Agreements Library* (1982-2013)

**U.S. Senate Treaties website**
http://www.senate.gov/pagelayout/legislative/d_three_sections_with_teasers/treaties.htm

This site provides a document that identifies treaties that have had Senate floor status actions (other than simply actions pertaining to treaties received and referred) during the current Congress. The date and a brief description of each floor action is provided. The most recent floor action for each treaty is listed first, with additional actions listed in reverse chronological order.


*Treaties in Force (TIF).* Annual.

TIF covers only U.S. treaties currently in force on the date of publication.

**Print:** Ready Reference: KZ235 .T74

**Online:**
LEXIS: *U.S. Treaties in Force* (Current edition; links to full text)
WESTLAW: *United States Treaties in Force* (Current edition; links to full text)
Hein Online, *U.S. Treaties and Agreements Library*

**State Department website:**
http://www.state.gov/s/l/treaty/tif/index.htm

*Treaties Pending in the Senate*

Updated list of treaties submitted to the Senate, but not yet ratified. (Last updated May 7, 2014)

**Online:** http://www.state.gov/s/l/treaty/pending/

**b. Worldwide Treaties (U.S. May be a Party)**

*Multilateral Treaties Deposited with the Secretary-General,* New York : United Nations, 1982-].

This annual index to over 500 major multilateral treaties deposited with the U.N. includes the texts of reservations, information about the date of entry into force and a list of treaty participants as of the date of publication.

**Print:** Latest edition on Ready Reference: KZ 171 .M85
**Online:** UN Treaty Collection website at:
http://treaties.un.org/Pages/ParticipationStatus.aspx
7. Specialized Treaty Databases in LEXIS and WESTLAW

WESTLAW: *International Arbitration: Conventions*

WESTLAW: *International Environmental Law Documents*

WESTLAW: *North American Free Trade Agreement (NAFTA)*

LEXIS: *Tax Analysts Worldwide Tax Treaties*

WESTLAW: *Tax Treaties and Conventions*

WESTLAW: *United States Treaties and Other International Agreements*

LEXIS: *U.S. Treaties on Lexis*

LEXIS: *U.S.C.S. International Conventions*

B. International Custom

1. Introduction

Customary international law is particularly important as a source of international law in absence of a treaty or other controlling rule. J. L. Brierly, in *The Law of Nations: an Introduction to the International Law of Peace* states that in order to determine what international customary law is on a particular subject "we must look at what states do in their relations with one another and attempt to understand why they do it, and in particular whether they recognize an obligation to adopt a certain course, or, in the words of Article 38, we must examine whether the alleged custom shows ‘a general practice accepted as law.""¹

Ian Brownlie, in *Principles of Public International Law* lists the following sources of custom as "diplomatic correspondence, policy statements, press releases, the opinions of official legal advisers, official manuals on legal questions, e.g. manuals of military law, executive decisions and practices, orders to naval forces etc., comments by governments on drafts produced by the International Law Commission, state legislation, international and national judicial decisions, recitals in treaties in the same form, the practice of international organs, and resolutions relating to legal questions in the United Nations General Assembly."²

a. Selected Treatises on Customary International Law


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² IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 5 (5th ed. 1998).


2. Sources for U.S. Practice in International Law

The following digests collect sources such as diplomatic correspondence, court opinions on international law issues, statutes and regulations, treaties, and other documentary materials in a subject arrangement in order to illustrate U.S. practice in particular areas of international law. Generally, these digests provide historical coverage, but the State Department has just resumed publication of a contemporary digest of U.S. practice.

a. Digests of Practice

1973-present:


This title resumes the publication of the *Cumulative Digest of United States Practice in International Law*. Originally published by the G.P.O., it is now being published by the International Law Institute.

**Print:** SL1: KZ 237.7 .D54 (1989-2011)
**Online:** State Dept., Office of Legal Adviser: [http://www.state.gov/s/l/c8183.htm](http://www.state.gov/s/l/c8183.htm)


**Print:** SL1: KZ 237.7 .D54

This title is continued by the *Digest of United States Practice in International Law*.

Issues of the *American Journal of International Law* [Location: Latest issues on Reserve, Earlier issues on LL2: K1 .M453] include a feature entitled *Contemporary Practice of the United States Relating to International Law* which serves as an update of sorts for the *Cumulative Digest of United States Practice in International Law*.

The *American Journal of International Law* may also be searched in LEXIS and WESTLAW.


**Print:** SL1: KZ237.7 .D54

Continued by: *Cumulative Digest of United States Practice in International Law*. 
1940-1960:


**Print:** SL1: KZ 237.7 .D54 1963, v.1-15  
**Online:** Hein Online, Foreign & International Law Resources Database  
http://heinonline.org/HOL/Index?index=intybdigest&collection=intyb

This is the successor digest to Hackworth's *Digest of International Law*, primarily covering the period 1940-60.

1906-1939:


**Print:** SL1: KZ237.7 .D54 1940  
**Online:** Hein Online, Foreign & International Law Resources Database  
http://heinonline.org/HOL/Index?index=intybdigest&collection=intyb

This is the successor to *A Digest of International Law* by John Bassett Moore. It covers the time period 1906 to 1939.

1776-1906:


**Print:** SL1: KZ 237.7 .D54 1906  
**Online:** Hein Online, Foreign & International Law Resources Database  
http://heinonline.org/HOL/Index?index=intybdigest&collection=intyb

This document covers developments from 1776 to 1906, superseding Cadwalader’s *Digest of the Published Opinions of the Attorneys-General, and of the Leading Decisions of the Federal Courts, with Reference to International Law, Treaties, and Kindred Subjects* and Wharton’s *A Digest of the International Law of the United States*. This set was published in eight volumes.


**Print:** SL1: KZ 237.7 .D54 1886  
**Online:** Hein Online, Foreign & International Law Resources Database  
http://heinonline.org/HOL/Index?index=intybdigest&collection=intyb

Considered the first true digest of American practice in international law, this 3-volume work has been superceded by Moore’s *A Digest of International Law*.

Cadwalader’s work was the first subject compilation of official texts on American practice in international law according to the *Guide to International Legal Research*. It has been more or less superseded by Moore’s *Digest*.

**Print:** SL1: KZ 237.7 .D54 1998  
**Online:** [Hein Online, Foreign & International Law Resources Database](http://heinonline.org/HOL/Index?index=intybdigest&collection=intyb)

### b. U.S. Diplomatic Correspondence

[Location: SL1: KZ231 .A46]


Considered by the State Department as "[t]he official monthly record of United States foreign policy." Continued by the *U.S. Department of State Dispatch*.

**Hein Online: Law Journal Library**  


This is the successor publication to the *Department of State Bulletin*.

**Print:** SL1: KZ231 .U83  
**Online:** [Hein Online: Law Journal Library](http://heinonline.org/HOL/Index?index=journals/dsptch&collection=journals)  


The official State Department record of the foreign policy and diplomacy of the U.S. from 1932. New volumes are added annually. (latest volume is for 1980).

**Print:** SL1: KZ 233 .A3  
**Microform:** LL1 Microfiche: S1.1  
**Online:** [U.S. State Dept. website](http://history.state.gov/historicaldocuments) (1945-1980):  
c. Other Sources for U.S. Practice


According to its introduction, the *Restatement of the Law, Third : the Foreign Relations Law of the United States*, is an attempt to articulate "the rules that an impartial tribunal would apply if charged with deciding a controversy in accordance with international law." Be advised that, while this is not an official statement of U.S. practice in the area of international law, it is considered highly authoritative.

The Restatement is divided into nine main parts: I. International Law and Its Relation to United States Law; II. Persons in International Law; III. International Agreements; IV. Jurisdiction and Judgments; V. The Law of the Sea; VI. The Law of the Environment; VII. Protection of Persons (Natural and Juridical); VIII. Selected Law of International Economic Relations; IX. Remedies for Violations of International Law.

**Print:** Reserve & SL3: KF4651.A4 A43 1987  
**Online:** LEXIS: *Restatement of the Law 3d, Foreign Relations*  
WESTLAW: *The Foreign Relations Law of the United States*  
Hein Online, American Law Institute Library  

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3. Sources of Practice for Other States

a. International Law Yearbooks


**Print:** SL1: KZ21 .A37 (Library has 1993-present)  
**Online:** Hein Online, Foreign & International Law Resources Database (1993-2008 (Indexed until 2010):  

*Annuaire de l’Institut de Droit International*, Gand : Bureau de la Revue de droit international, 1877- .  
**Print:** LL2: KZ24 .I47 A56 (Library has: 1877-present; earlier volumes in Historic Storage)

**Print:** SL2: JN3 .A5 (Library has: 1955-1985; 1990-present)

**Online:** Hein Online, Foreign & International Law Resources Database (1994-2013):  
Asian Yearbook of International Law, Dordrecht : M. Nijhoff, 1993-.

The Australian Year Book of International Law, Sydney : Butterworths, 1966-.


The British Yearbook of International Law, London : H. Frowde, Oxford University Press.
Print: SL1: KZ21 .B75 (Library has v.1(1920/21)- present)

Print: SL1: KZ21 .C36 (Library has 1963- present)

Croatian Yearbook of European Law and Policy, Zagreb, Croatia : University of Zagreb, Faculty of Law, 2005-.

The Finnish Yearbook of International Law, Helsinki : Ius Gentium Association, 1990-.
Print: SL1: KZ21 .F56 (Library has v.1(1990)-present)]

Print: SL1: KZ21 .G56 (Library has v. 1, 2001-present])

German Yearbook of International Law = Jahrbuch fur Internationales Recht, Berlin : Duncker & Humblot.

Print: SL1: KZ21 .H34 (Library has v.1, 1988-present)]


Print: SL2: JC599 .D44 H85 (Library has 1998-2003)]


Print: SL1: KZA1021 .I62 (Library has 1985-2002)]


The Irish Yearbook of International Law, Oxford: Hart Pub., 2008-.

Print: SL1: KZ21 .I75 Library has v.1, 2006-present]


The Italian Yearbook of International Law, Napoli: Editoriale Scientifica; [Dobbs Ferry, N.Y.: Distributed by Oceana Publications,] 1976-.


Print: SL1: KZ4947 .M28 (Library has v.1, 1997- present)


Netherlands Yearbook of International Law, Leiden: A.W. Sijthoff, 1970-.

The New Zealand Yearbook of International Law, [Christchurch, NZ] : International Law Group, School of Law, University of Canterbury, 2004-.

**Online:** Hein Online, Foreign & International Law Resources Database (2004-2011 (Indexed until 2012):

The Palestine Yearbook of International Law, Nicosia, Cyprus : Al-Shaybani Society of International Law, 1984-.

**Print:** SL1: KZ21 .P35  (Library has v. 1, 1984- present)
**Online:** Hein Online, Foreign & International Law Resources Database (1984-2007 (Indexed until 2010):

The Polish Yearbook of International Law, Wroclaw : Zaklad Narodowy Im. Ossolinskich,

**Print:** SL1: KZ21 .P65 (Library has v.3 (1970)-present (with gaps))
**Online:** Hein Online, Foreign & International Law Resources Database (1966-2011 (Indexed until 2012):

Revue Hellénique de Droit International, Athène : Institut hellénique de droit international et étranger, 1948-.

**Online:** Hein Online, Foreign & International Law Resources Database (1948-2013):

The Singapore Year Book of International Law. Singapore : Faculty of Law, National University of Singapore ; Holmes Beach, Fla. : Gaunt Law Book Pub. [U.S. distributor], 2004-.

**Print:** LL2: K23 .I54 (Library has v. 1, 2004-present)
**Online:** Hein Online, Foreign & International Law Resources Database (1997-2008):

South African Yearbook of International Law = Suid-Afrikaanse Jaarboek vir Volkereg, Pretoria : VerLoren Van Themaat Centre for International Law, University of South Africa.

**Print:** SL1: KZ21 .S65 (Library has 1979-1984, 1987- present))
**Online:** Hein Online, Foreign & International Law Resources Database (1975-2011):

Spanish Yearbook of International Law, Dordrecht : M. Nijhoff ; Norwell, MA, 1994-.

**Print:** SL1: KZ21 .S67 (Library has v.1 (1991)- present)
**Online:** Hein Online, Foreign & International Law Resources Database (1991-2008 (Indexed until 2010):
4. Documents and Resolutions of International Organizations

International organizations play an important role in the development of international law. The resolutions and declarations of competent international organizations often provide a first glimpse of developing international customary law. In addition, international organizations also work to systematize international rules in order to foster international cooperation in specific fields of endeavor.

For example, Article 13 of the United Nations Charter provides that the General Assembly is charged with the responsibility of "encouraging the progressive development of international law and its codification." In this effort, the U.N.'s International Law Commission has completed a number of important international conventions codifying customary international law.

The Jacob Burns Law Library receives selected publications of international organizations. The largest collection of materials comes from the United Nations. The Law Library has a microfiche collection of UN General Assembly Official Records as well as other supplementary documents from U.N. organs working in the areas of human rights and international trade.

The Law Library also has a comprehensive microfilm collection of League of Nations publications which includes working documents, reports, serial publications, and the League of Nations Treaty Series. Publications are arranged in broad subject categories and an index is available to identify the microfilm reel on which a particular publication may be found. [Location: LL1: Film 120]

Publications of other international organizations may be found by consulting JACOB. For more detailed information on accessing U.N. materials, consult Specialized Research Guide # 6: A Guide to United Nations Research. available at:
http://www.law.gwu.edu/Library/Research/Pages/Research_Guides.aspx
C. General Principles of Law

The third source of international law as enumerated in Article 38 are "general principles of law" recognized by "civilized" nations. The Guide to International Legal Research states that "this traditional naturalist approach provides a basis for decision when other sources offer no guidance, yet it is unclear what these general principles of law are.

Thus, locating these general principles in the course of legal research is extremely difficult. They could be general principles of justice, natural law, analogies to private law, principles of comparative law, or general conceptions of international law."1

The Guide suggests that the "best documentation of these legal principles is found in textbooks, general surveys or manuals, treatises, classics, and encyclopedias."2 The sources cited in section III of this guide can be of assistance in identifying these general principles. Also, you may wish to consult the following treatises:


General principles of law are used primarily as "gap fillers" when treaties or customary international law do not provide a rule of decision. It has been suggested by scholars that as new treaties and customary law develop to address areas of international concern not previously covered, the significance of general principles will fade as these gaps in international law are filled.

D. Decisions of International Judicial or Arbitral Tribunals

Article 38(1)(d) identifies judicial decisions of state and international courts as a subsidiary means for determining international law. In aggregate, such decisions assist in articulating and solidifying international legal norms.

1. Permanent Court of International Justice (PCIJ)

The Permanent Court of International Justice was established pursuant to Article 14 of the Covenant of the League of Nations. Between 1922 and 1946, when it was replaced by the International Court of Justice, the court issued 27 opinions under its "advisory jurisdiction," and 32 judgments under its "contentious jurisdiction." Following are the various digests and reports held by the Jacob Burns Law Library which provide access to this Court’s jurisprudence.

1 GUIDE TO INTERNATIONAL LEGAL RESEARCH 7 (3rd ed. 1998)

2 GUIDE TO INTERNATIONAL LEGAL RESEARCH 8 (3rd ed. 1998).
a. Digests of Decisions


Volume 1 of this 9 volume set digests the decisions of the Permanent Court of International Justice.


Volume 1 of this work provides summaries of all cases brought before the Permanent Court of International Justice which include the main points of law raised in each case.

b. Decisions and Records


2. International Court of Justice (ICJ)

The International Court of Justice (ICJ), the main judicial body of the United Nations, was established in 1945 as a product of the drafting of the Charter of the United Nations. The Court’s constitutive statute was subsequently annexed to the Charter. All members of the U.N. are ipso facto parties to the statute of the Court (See Art. 93(1), UN Charter). A state which is not a member of the U.N. may become a party to the Statute of the ICJ on conditions determined by the General Assembly upon the recommendation of the Security Council. (See Art. 93(2), UN Charter).
The Court has both advisory and contentious jurisdiction. Under Article 96 of the U.N. Charter the "General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question." (Art. 96(1), U.N. Charter) In addition, "other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities." (Art. 96(2), UN Charter).

Under its contentious jurisdiction (cases between states’ parties), the Court may hear cases "which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force." (Art. 36(1) of the Statute of the ICJ).

While under Article 59 of the Statute of the Court, decisions have no binding force except between the parties, the Court’s rulings are authoritative statements of international law and are widely cited both by the Court itself, and by international law scholars.

The Jacob Burns Law Library receives the opinions of the ICJ as well as the pleadings, oral arguments and other documents issued by the Court during their deliberations. In addition, the library has digests that provide subject access to the decisions of the ICJ. Also, many secondary sources are available that describe in detail the procedures of the Court and critically analyze its jurisprudence.

The ICJ’s website [http://www.icj-cij.org/] provides information about pending and past cases before the Court. The site includes docket information, court documents, case summaries, and rules of the court.

a. **General Works, Document Compilations, Yearbooks, etc.**


Provides general information on the work of the Court including basic texts and rules of the Court, a chronology, summaries of cases, biographies of judges and other important background information.

b. Digests of Decisions

The following digests provide subject access to the decisions of the International Court of Justice. Generally, most provide a subject outline of international law topics, and under each topic, an abstract is included which identifies ICJ cases that have dealt with that issue. Each entry includes a short excerpt of the relevant language from the opinion and a citation to where it can be found. The researcher should also note the dates of coverage of each of the digests listed below. There is no up-to-date cumulative print digest to ICJ jurisprudence save searching the INT-ICJ database in WESTLAW or LEXIS or the Oxford reports on International Law database.


This nine volume set covers the judgments, advisory opinions and orders of the ICJ for the period 1946-1966.


This set provides subject access to ICJ cases for the period 1976-1985. Cases are arranged in broad subject categories and substantial quotations from the opinion’s relevant language are also included.


Volume 1 of this set covers the decisions of the Permanent Court of Justice. Volume 2 covers ICJ cases for the period 1947-1974. The volumes include substantial excerpts from each decision and an index provides subject access to ICJ and PCIJ jurisprudence.


**Print:** SL1: KZ 213 .S85 2003
**Online:** *Hein Online: United Nations Law Collection:*

This source, covering ICJ decisions from 1947-1992, includes a detailed subject outline and case entries provide a lengthy excerpt from relevant cases.

*World Court Digest*, New York : Springer, c1993-.


**Print:** SL1: KZ 213 .W67 1993

**Online:** Max Planck Institute (1986-2000)

c. Decisions and Records


This set includes decisions of the International Court of Justice in addition to those from other international and national courts. Each volume includes a digest of cases, a table of treaties, and a subject index. It was previously entitled *Annual Digest of Public International Law Cases*.

**Online:** JUSTIS: http://www.justis.com/Search.aspx?search=quick
(From the Quick Search page, click the “Cases” tab.)


This set, which supplements the *Reports of Judgments* below, compiles the written pleadings, motions and oral arguments made to the ICJ. Volumes are arranged by case and by year.

*Reports of Judgments, Advisory Opinions and Orders*, Leyden : Societe d'editions, A.W. Sijthoff, 1947-.

*Reports* contains the judgments, advisory opinions, and orders decided by the ICJ from its inception in 1946. Volumes are arranged by case and by year.

**Print:** SL1: KZ214 .I58

**Online:** LEXIS: *International Court of Justice Advisory Opinions*
WESTLAW: *International Court of Justice Decisions* (1947-)
Hein Online, United Nations Law Collection:
http://heinonline.org/HOL/Index?index=unicj&collection=unl
3. Other International Tribunals

Besides the decisions of the International Court of Justice and its predecessor the Permanent Court of International Justice, other *ad hoc* international tribunals have been convened over the years by *comprimis* between parties to resolve disputes concerning particular questions of international law such as international boundaries, etc. The following sources provide access to the decisions of these tribunals:


*The Hague Court Reports (Second Series) : Comprising the Awards, Accompanied by Syllabi, the Agreements for Arbitration, and Other Documents In Each Case Submitted to the Permanent Court of Arbitration and to Commissions of Inquiry Under the Provisions of the Conventions of 1899 and 1907, for the Pacific Settlement of International Disputes*, New York : Oxford University Press ; 1932.

The First Hague Peace Conference established the International Commission of Inquiry. This set reprints the reports of their awards.

Print: SL1: KZ204 1932

**Online:** *Hein Online, Foreign & International Law Resources Database*


Moore, John Bassett, *History and Digest of the International Arbitrations to Which the United States Has Been a Party : Together With Appendices Containing the Treaties Relating to such Arbitrations, and Historical and Legal Notes on Other International Arbitrations Ancient and Modern, and On the Domestic Commissions of the United States for the Adjustment of International Claims*, G.P.O., 1898.


**Online:** *Hein Online, Foreign & International Law Resources Database*


**Online:** *Hein Online, Foreign & International Law Resources Database*


**Print:** SL1: KZ200 .R43 2006 v. 1-10

**Online:** *Hein Online, Foreign & International Law Resources Database*


The United Nations continued the Hague Court compilation with Reports of International Arbitral Awards, which began with retrospective coverage back to the end of the Hague Court Reports and continues to the present.

Print: SL1: KZ203 .R47 (v.1, 1948-present)


4. Domestic Court Decisions

In addition to international courts, the decisions of domestic courts adjudicating issues of international law can be useful in identifying customary international law or in discovering emerging norms of customary international law. Digests of State Practice and Yearbooks of International Law (see page 24 of this guide) often include relevant domestic court decisions and the caselaw databases of WESTLAW and LEXIS can also be used to locate relevant jurisprudence. For decisions of states not included in these services, consult the Foreign Law Guide at http://www.foreignlawguide.com/ to identify the Court Reports issued by a particular jurisdiction. The following sources also provide access to domestic court decisions.


This set includes decisions of the International Court of Justice in addition to those from other international and national courts. Each volume includes a digest of cases, a table of treaties, and a subject index. It was previously entitled Annual Digest of Public International Law Cases.

Print: SL1: KZ199 .IS8 (v. 17, 1950-present)
(From the Quick Search page, click the “Cases” tab.)
The Oxford Reports on International Law is an integrated database of significant court decisions by domestic and international courts on international law issues. The database consists of the decisions of international and domestic courts covering the following areas of international law:

1. International Courts of General Jurisdiction
2. International Criminal Law
3. International Human Rights Law
4. International Investment Claims
5. International Law in Domestic Courts

Of particular interest is the International Law in Domestic Courts module. It provides a database of significant court decisions by domestic courts on important public international law issues. It presently covers 60 jurisdictions and each decision appears in full-text in the original language with English translations of key passages available for all non-English language decisions. Headnotes are included and each case is supplemented by expert commentary, references to other relevant materials, annotations regarding subsequent developments in the case, and a table of cases and instruments cited. Quick and advanced search options are available, and browse by broad subject category.

E. Teachings of the Most Highly Qualified Publicists

Article 38(d) of the statute of the International Court of Justice lists “...the teachings of the most highly qualified publicists of the various nations” as a subsidiary means of determining international law on a particular subject. There are a number of reference tools available in the Jacob Burns Library to assist you with locating relevant scholarship on the international law relevant to your area of interest.

1. Collections of Lectures

Recueil des Cours/Collected courses of the Hague Academy of International Law, Paris: Hachette, 1925-. [Location:

Recueil des Cours collects lectures presented by eminent scholars at the Hague Academy of International Law. Indexes are available for volumes 1(1923) - v. 300 (2001).

Print: SL1: KZ1237 .H34 (vol. 1, 1923- V. 342)]

Online: Hein Online, Hague Academy Collected Courses Online
2. Bibliographic Databases for Locating Treatises on International Law
   
a. JACOB – The Online Catalog of the Burns Law Library

   JACOB contains information about virtually every title in the Library’s collections. JACOB can be searched in two ways: JACOB DISCOVER also retrieves periodicals and other electronic resources in our collection while JACOB CLASSIC searches the Burns Law Library catalog only. JACOB can be found at: http://jacob.law.gwu.edu/

b. WRLC Libraries Catalog

   http://catalog.wrlc.org/cgi-bin/Pwebrecon.cgi?DB=local&PAGE=First

   The WRLC Libraries Catalog, available through the Gelman Library, searches the collections of the libraries at George Washington University, American University, the Catholic University of America, Georgetown, George Mason University, and the University of District of Columbia. It can be used to locate a book, journal, government document, etc. not found in the Jacob Burns Law Library.

c. WorldCat

   WorldCat is a bibliographic database that provides access to the holdings of libraries throughout the U.S. and the world. It is useful for locating works on a particular area of international law that the Jacob Burns Law Library does not have or it can be used to verify a bibliographic citation or determine if there is another library that holds a particular title. To access WorldCat, click on the Research link from the Burns Law Library home page. On the following page, click on the WorldCat link under the Search the Collection heading.

   Online: http://www.law.gwu.edu/Library/Research > Database Subscriptions

3. Resources for Locating Periodical Literature on International Law
   
a. Current Index to Legal Periodicals

   CILP is a weekly index to over 500 legal publications organized within 100 subject headings. Its main advantage is that it is more current than the Current Law Index (LegalTrac) and the Index to Legal Periodicals & Books.

   Online: WESTLAW: Current Index to Legal Periodicals (most recent 8 weeks)

   Law Library website: http://docs.law.gwu.edu/Burns/alllaw/cilp/webcilp.htm
b. **Index to Foreign Legal Periodicals (IFLP)**

This publication provides citations to articles appearing in selected legal periodicals dealing with international law (public and private), comparative law and municipal law of those countries other than the U.S., the British Isles and the British Commonwealth whose systems of law have a common basis.

**Print:** Reference Indexes: K33 .I52 (1960-present)

**Online:** Hein Online, Index to Foreign Legal Periodicals


c. **Index to Legal Periodicals and Books (ILP) & Index to Legal Periodicals Retrospective**

*ILP* provides indexing to articles appearing in over 500 law reviews, journals, yearbooks and government publications. *ILP Retrospective* (available only through the Library’s website) provides indexing to materials from 1918-1981.

**Print:** Indexes: K33 .I542 (1886-present)

**Online:** [http://www.law.gwu.edu/Library/Research > Database Subscriptions](http://www.law.gwu.edu/Library/Research > Database Subscriptions)

d. **LegalTrac**

*LegalTrac* is a web version of the print index *Current Law Index*. It provides citations to articles from 875 law journals from the U.S., Canada, U.K., Ireland, Australia, and New Zealand.

**Print:** Indexes K33 .C87 (1980-present)

**Online:** [http://www.law.gwu.edu/Library/Research > Database Subscriptions](http://www.law.gwu.edu/Library/Research > Database Subscriptions)

e. **LEXIS and WESTLAW**

Hundreds of law reviews are available full text through LEXIS and WESTLAW

f. **HeinOnline**

*HeinOnline* provides access to hundreds of law reviews and journals. Notably, it provides access to the full run of the *American Journal of International Law* and *International Legal Materials* in addition to many other international law journals and international law yearbooks.

**Online:** [http://heinonline.org/HOL/Welcome](http://heinonline.org/HOL/Welcome)

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