



International Legal Research



Topics for International Legal Research

1. Foreign Law
2. Comparative Law
3. Public International Law
4. Private International Law
5. International Customary Law
6. Domestic laws related to foreign elements



Role of International Law in US Law

- US Constitution Article VI
 - Treaties are the law of the land
 - Treaties create an obligation under international law
 - Treaties also have status as U.S. domestic law



How a treaty becomes a law in the US?

- Secretary of State authorizes negotiation.
- U.S. representatives negotiate.
- Agree on terms, and upon authorization of Secretary of State, sign treaty.
- President submits treaty to Senate.
- Senate Foreign Relations Committee considers treaty and reports to Senate; Senate considers and approves by 2/3 majority (U.S. Constitution Article II, sec. 2).
- President proclaims entry into force.
 - i.e. North American Free Trade Agreement (NAFTA): TITLE 19 CUSTOMS DUTIES, CHAPTER 21: 19 USC §§3301-3473



Sources of International Law from a country's point of view

- International Agreements
 - Treaties
 - Executive Agreements, binding as treaties
- Judicial Decisions
 - Domestic international courts
 - International Tribunals
- Customary International Laws
 - Records of a State's foreign relations/practices
 - Practice of international organizations, i.e. UN resolutions



Treaties

- Also called international agreements, conventions, pacts, covenants, charters, executive agreements, protocols, accords, declarations, etc, or by a city name.
- The treaty research – if it is multilateral or bilateral, if it is recent, if the US is a party to the agreement, or if the US is not a party to the treaty.



Major Official Treaty Publications U.S. as a Party

- Slip Laws – Treaties And Other International Acts (T.I.A.S.) Since 1945
- Session Laws – United States Treaties And Other International Agreements (U.S.T.) Since 1950,
- By Statute They Are Authoritative Sources For The Text of Agreements Published



Major Commercial Publications, US as a Party

- Oceana: Consolidated Treaties & International Agreements Current Document Service United States (print & online) , the most comprehensive
- Lexis: USTRTY (1776-), ILM (International Legal Materials)
- Westlaw: USTREATIES (1778-), ILM
- Hein: United States Treaties and Other International Agreements (in Microfiche) & Heinonline

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the migration of 3 Constitution
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On September 19th 2013, Oxford
University Press is migrating
three services from *Oceana Law*

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1



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International Treaties, UN, & EU Treaties

- United Nations Treaty Series (UNTS) at <http://untreaty.un.org/>,
 - used to be fee based, now free
 - **Access: ... – Research Databases – United Nations Treaty Series**
- European Treaty Series Website free at <http://conventions.coe.int/>

UN Treaty Series





UN Treaty Series



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Historical/Existing Values

International Agreement by Popular Name :

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- ☐ African Charter on Human Rights
- ☐ Agreement of Lima
- ☐ Air Quality Agreement
- ☐ Amazon Treaty
- ☐ Antarctic Marine Living Resources Convention
- ☐ Antarctic Treaty
- ☐ ASEAN Agreement

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CONTACT

ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS

international
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FRANÇAIS

Action : Definitive signature
Date : 07 Oct 2008
Participant :



Free International Treaty Portal

- EISIL Treaty Collections at http://www.eisil.org/index.php?sid=808053901&cat=705&t=sub_pages
 - Electronic Information System of International Law (EISIL) of American Society of International Law (ASIL)

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[Basic Sources](#), [Collective Security](#), [Law of Armed Conflict](#) ...





Subject Specialized Treaty Series

- US Tax Treaties, such as:
 - *CCH Tax Treaties Reporter*
- Intellectual and Industrial Property
 - World IP Organization, www.wipo.org
- Trade
 - World Trade Organization, www.wto.org



Treaty Research Steps

- Determine if it is a bilateral or multinational treaty
- Try Subject Specialized Databases first
- Is the U.S. a party?
 - If so, Oceana's U.S. Treaty Researcher (Oxford U. Press), Westlaw or Lexis
 - If not, try UN Treaty Online or regional organization law websites



What to look for?

- Find the text in an authoritative source
- Determine if the treaty is in force
 - With what parties?
 - Any reservations?
- Interpret the treaty's provisions
 - Judicial decisions
 - Secondary sources



Private International Laws

- Deal with private matters, such as international business transaction
- Codes, conduct standards, arbitration rules, trade terms, etc.
- Examples: ICC's Incoterms, such as FOB, CIF?



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The world business organization

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The trade debate

ICC unveils initial recommendations for a new multilateral trade negotiations agenda in Beijing. Topics also discussed at the WTO Public Forum.

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Commission on
**Commercial Law
and Practice**



ATA Carnet



Hypo 1. An Italian Defendant

- An Italian-born restaurant owner was accused of killing a tax collector in Miami and escaped to Italy. Italian courts tried and convicted the Italian-born restaurant owner, choosing to handle the case themselves rather than send the man back to Florida for trial.
- Can Florida Court enforce the Italian government to send the restaurant owner back to Miami for a trial?
- So what kind of treaty we are looking for?



Hypo 1. Death Penalty & Extradition

- Italy has refused to extradite suspects who might face execution. Is there a treaty between the United States and Italy governing extradition? Can the man be extradited to the U.S.?



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Record 1 out of 1

Country: USA , ITALY

Subject: [EXTRADITION](#)

Treaty Name: Extradition treaty

CTIA: 3937.000

Type: Agreement

Parallel Citations:

Treaty and International Agreement: TIAS 10837

Date Signed: October 13, 1983

Date Entered Into Force: September 24, 1984

In Force: Yes

Title: ITALY Extradition



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Extradition shall not be granted when the prosecution, or the enforcement of the penalty, for the offense for which extradition has been requested has become barred by lapse of time under the laws of the Requesting Party.

ARTICLE IX Capital Punishment

When the offense for which extradition is requested is punishable by death under the laws of the requesting Party and the laws of the requested Party do not provide for such punishment for that offense, extradition shall be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE X Extradition Requests and Supporting Documents

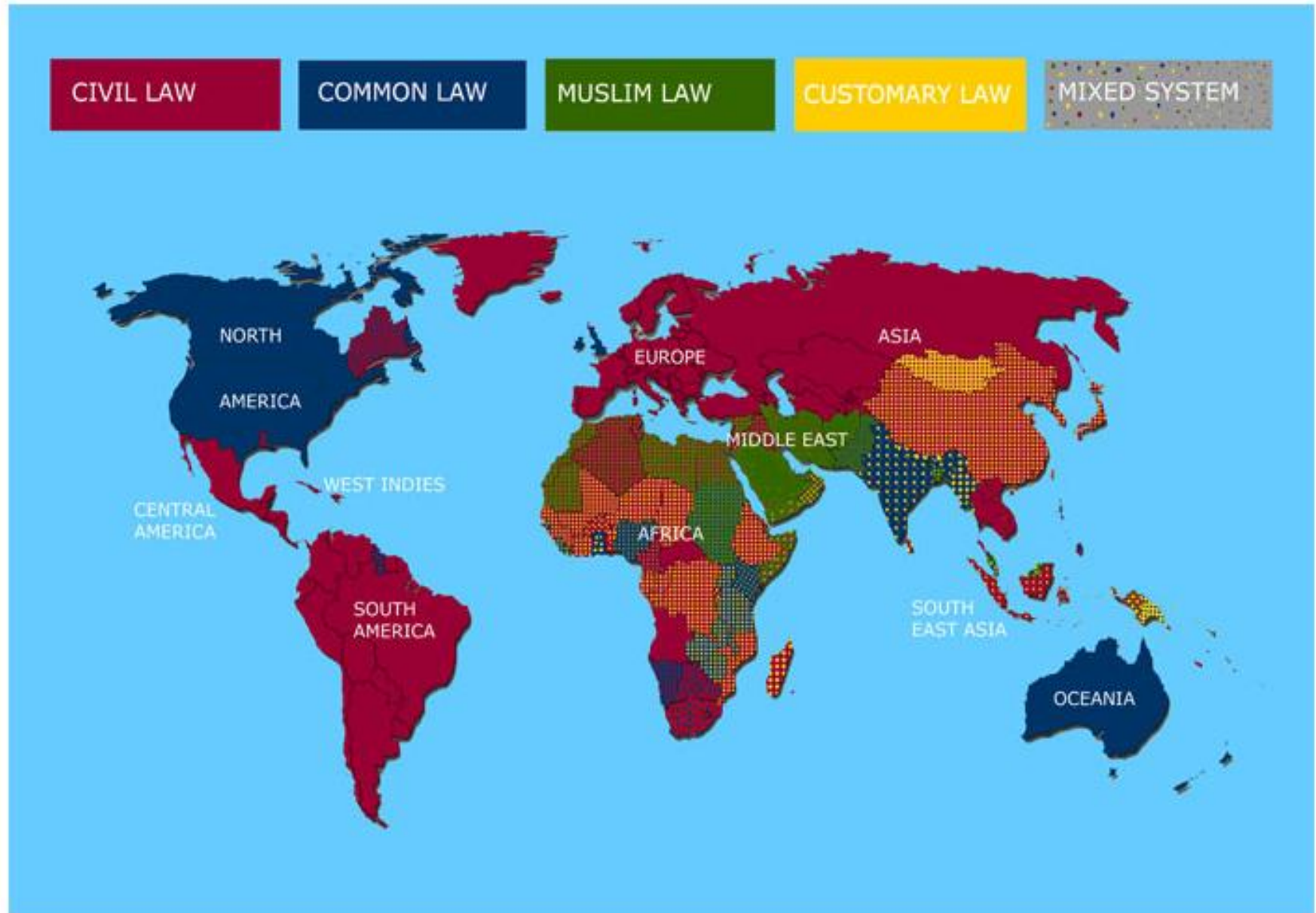


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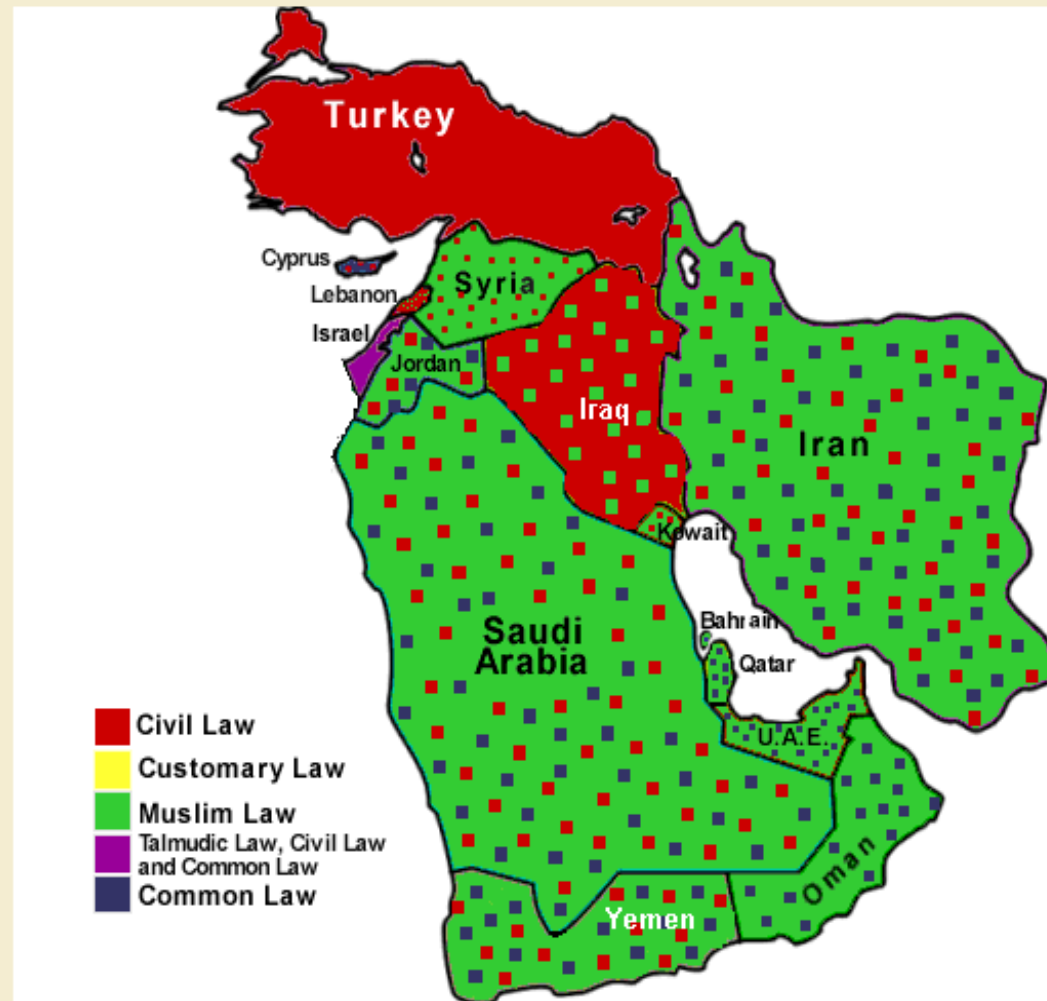
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Civil Law	89	25.87%
Mixed Systems with Civil Law	65	18.90 %
Common Law	42	12.21%
Mixed Systems with Common Law	54	15.70%
Customary Law	3	0.87 %
Mixed Systems with Customary Law	55	15.99 %
Muslim Law	2	0.58 %
Mixed Systems with Muslim Law	33	9.59 %
Talmudic Law	1	0.29 %



Middle East





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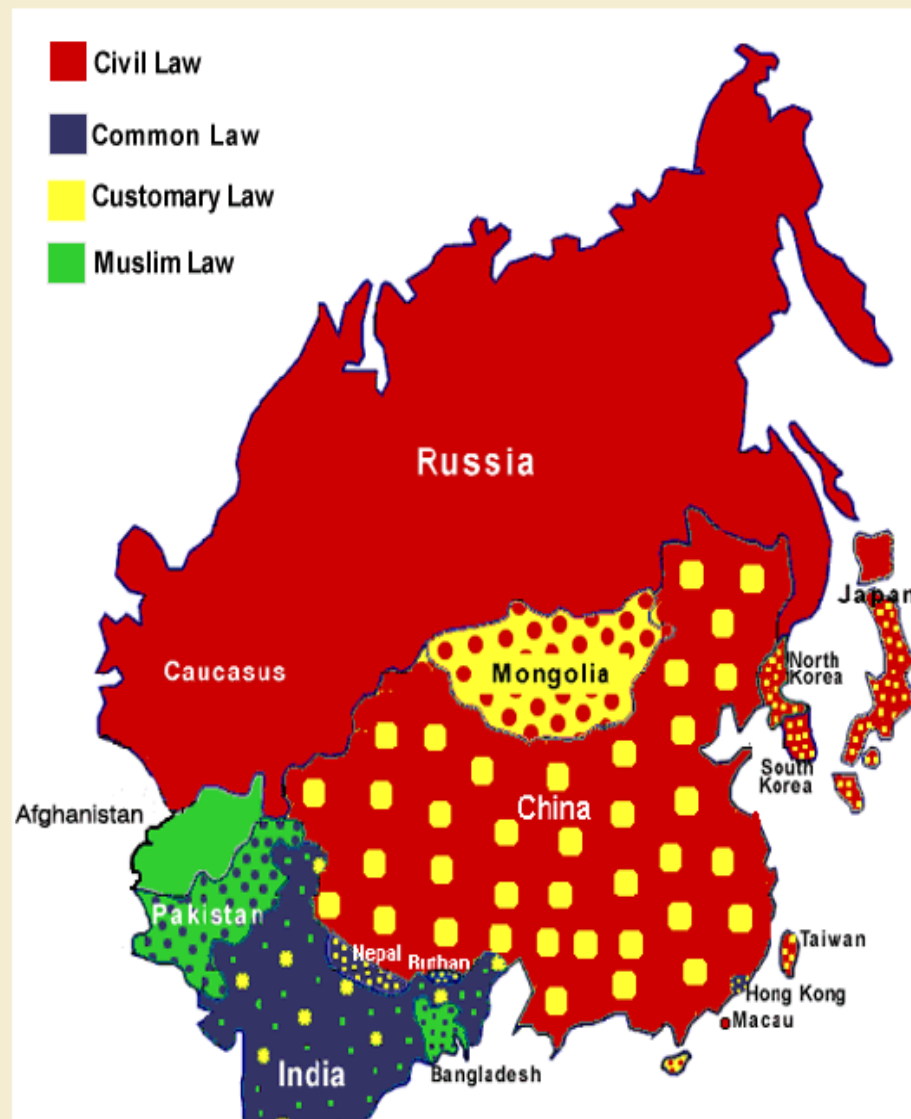
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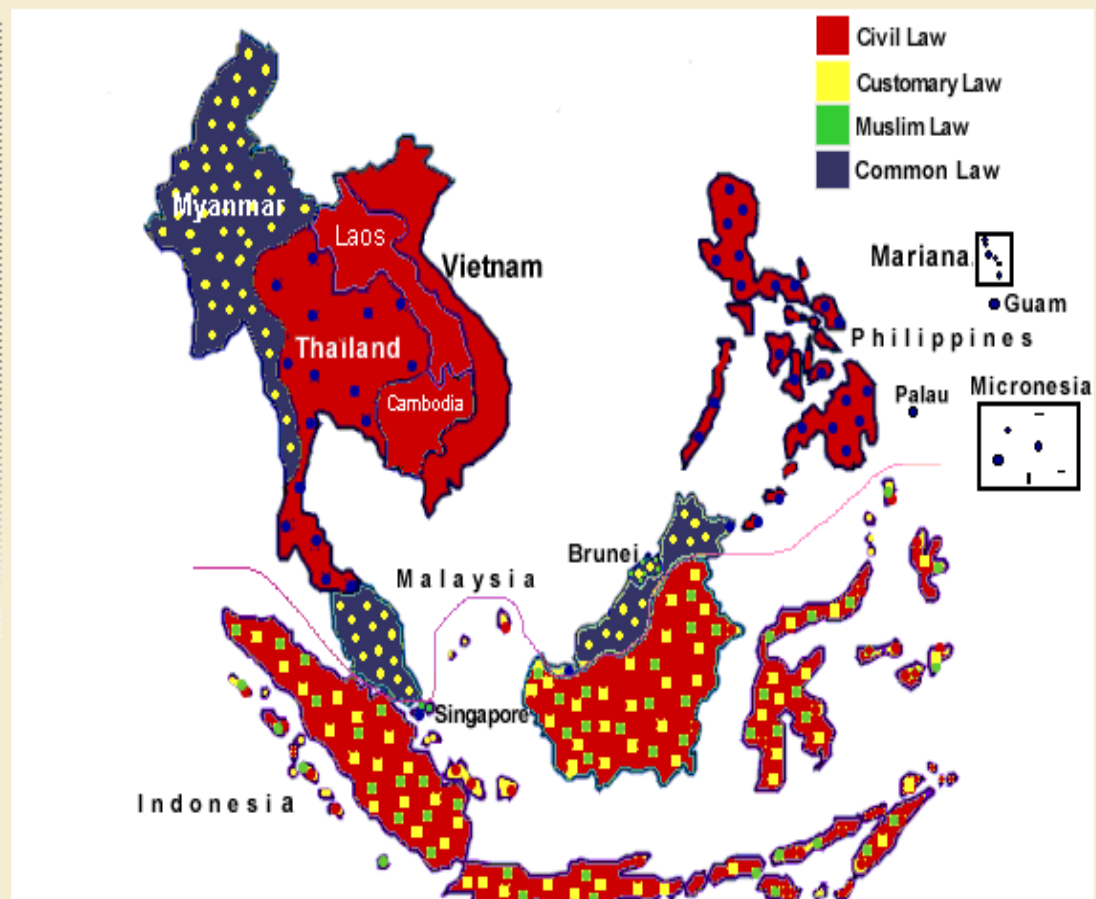
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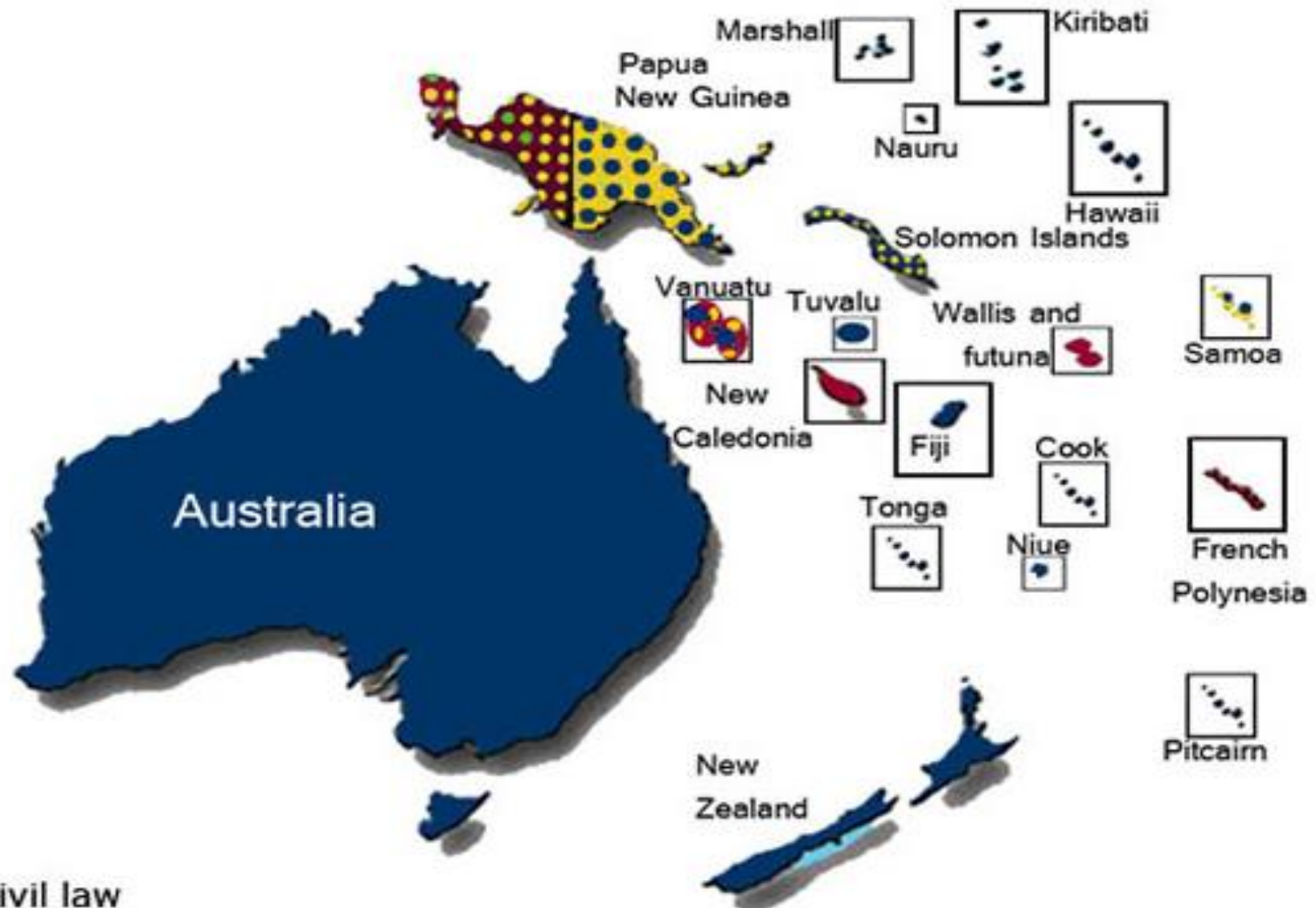
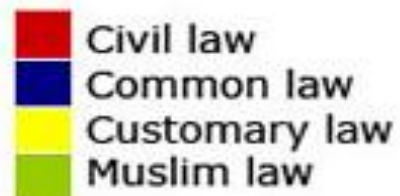
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Legal Info of Your Country on the Internet?

- Statutes, regulations, and cases in your native language?
- Statutes, regulations, and cases in English?
- As I know, the students of this class are from Australia, Belgium, Canada, Mainland China and Taiwan, Iran, Italy, Russia, South Korea



Foreign Law Research

- Discussion:
 - Are all the primary sources of your country's laws available on the Internet?
 - If so, are they free?
 - How many percents are available in English?
 - How to search?

Australasian Legal Information Institute

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- [High Court of Australia Bulletin \[2012\] HCAB 10](#) (16 October 2012)
- [Magistrates Court of Tasmania 2008-](#)
- [Plaintiff M47-2012 v Director General of Security \[2012\] HCA 46](#) (5 October 2012)
- [International Litigation Partners Pte Ltd v Chameleon Mining NL \(Receivers and Managers Appointed\) \[2012\] HCA 45](#) (5 October 2012)
- [Harbour Radio Pty Ltd v Trad \[2012\] HCA 44](#) (5 October 2012)
- [JT International SA v Commonwealth of Australia \[2012\] HCA 43](#) (5 October 2012)
- [Board of Bendigo Regional Institute of Technical and Further Education v Barclay \[No 2\] \[2012\] HCA 42](#) (3 October 2012)
- [Commissioner of Taxation v Qantas Airways Ltd \[2012\] HCA 41](#) (2 October 2012)
- [Barclay v Penberthy \[2012\] HCA 40](#) (2 October 2012)
- [Forrest v Australian Securities and Investments Commission \[2012\] HCA 39](#) (2 October 2012)
- [High Court decisions from 1903-1951 upgraded to include PDF facsimiles of the Commonwealth Law Reports \(CLRs\)](#)
- [South Australian Ombudsman Reports 2011-](#)
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- [NSW Bills database expanded to cover 1979-](#)

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A common gateway to **National Law**

English (en)



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The Belgian Legislation



Service public fédéral
Justice

Description

The **Moniteur** site is the access portal to Belgian law on-line. It gives direct access to the Moniteur belge - the Belgian Official Journal - and to a collection of consolidated legislation and an index. Federal legislation, and that of the communities (Flemish, French Wallonia, Brussels and German-speaking) and the regions (Wallonia, Flanders and Brussels-Capital) making up the federation, is accessible via this site. The Moniteur site is managed by the Federal Ministry of Justice [Service Public Fédéral de la Justice - SPF Justice].

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- **Moniteur belge** - This heading gives access to the electronic version of the edition of the *Moniteur belge* of the day in question (summaries and full texts) and previous editions dating back to June 1977. The *Moniteur belge* is published, and may be consulted, in the three official languages of Belgium: Dutch, French and German.

Four secondary headings permit further searches:

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Justice Laws Website

Welcome to the online source of the consolidated Acts and regulations of Canada. The consolidations are generally updated on a weekly basis.

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Site Features

The site provides several important features.

- As of 2009-06-01, all consolidated Acts and regulations are ["official"](#)
- A side-by-side bilingual PDF version of consolidated Acts and regulations
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Consolidation News

Acts current to 2012-10-01



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2012/08/08 Amendment of Food Sanitation Management Law revises Articles 11, 17-1 and 31

2012/08/08 Amendment of Income Tax Law adds Articles 14-2 and 14-3; and revises Articles 4-1, 88, 89 and 126

2012/08/08 Amendment of Children And Teenager Welfare And Rights Protection Law adds Article 54-1

2012/08/08 Amendment of Old People Welfare Law revises Article 25

2012/08/08 Amendment of Tobaccos and Alcoholic Beverages Management Law revises Article 46

2012/08/08 Amendment of Electricity Law adds Article 65-1; and revises Article 65



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2013.09.18	Regulations for Artificial Reproduction Information Notification and Administration
2013.09.11	The Hygiene Standards for Alcohol Products
2013.09.03	Implementation Regulations Governing Materials for Communicable Disease Control and Establishment of Resources
2013.08.29	Regulations Governing the Certification for Aviation Products, Appliances and Parts
2013.08.22	The Land Registration Regulation
2013.08.21	Sanitation Standard for Algae Foods
2013.08.21	Sanitation Standard for Edible Algae
2013.08.21	Organic Act of the Architecture and Building Research Institute, Ministry of the Interior
2013.08.21	Organization Act of National Conscription Agency, Ministry of the Interior
2013.08.19	1,2-Dibromoethane (Ethylene Dibromide) Residue in Foods
2013.08.16	Regulations Governing the Establishment and Management of Customs Brokers



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- The tentative translation of [the Interest Rate Restriction Act](#) has been replaced with the finalized translation. (October 22, 2013)
- A translation of [the Construction Business Act](#) has been released. (October 17, 2013)
- A translation of [the Interest Rate Restriction Act \(tentative translation\)](#) has been released. (October 17, 2013)
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President :

Iran's political determination clear in Geneva talks

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16.10.12 Civil Appeal: If abroad do not pay your chips to the game did not escape to the Casino, Italy

15.10.12 Government: Decree-Law on finance and operation of local authorities

13.10.12 Cassation Work: Breaking the remote control the worker, reverse?

01.10.12 Civil Appeal: unfair competition and probative value of accounting records

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Tuesday, October 22, 2013

Law defining regional authorities' responsibilities regarding interethnic relations

October 22, 2013, 11:00

Vladimir Putin signed Federal Law *On Amendments to Certain Legislative Acts of the Russian Federation Determining the Powers and Responsibilities of Regional Authorities, Local Self-Government Agencies, and their Officials Regarding Interethnic Relations*.

Tags: interethnic relations, local self-government

Kremlin.ru Archive

All publications prior to June 1, 2010.

Constitution of Russia

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Monday, October 21, 2013

Amendments to certain articles of Criminal Procedure Code

October 21, 2013, 19:10

Vladimir Putin signed Federal Law *On Amendments to Articles 32 and 152 of the Criminal Procedure Code of the Russian Federation*.

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- The Research page gives guidance on researching ILC material: <http://untreaty.un.org/ilc/research.htm>



Hypo 2. US Tax Treaties

- Assuming you are clerking with the General Council Office of the Washington University, your supervisor tells you that there is a Indonesian undergraduate student who wants to work for the Olin Library as a student worker, and asks you to find out the tax exemption for students from Indonesia.



Hypo 2: Searching

- Right: try Westlaw
- Left: try Lexis
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Hypo 2: Searching (continued)

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- Left: try Lexis: click on Taxation – [_ > Tax Analysts Worldwide > Tax Analysts Worldwide Tax Treaties Combined Files](#) or [Rhoades & Langer U.S. International Taxation & Tax Treaties](#) -- look for Indonesia



Hypo 3. Foreign Citizens Arrested

- Karl and his brother Walter LaGrand came to the United States from Germany as boys in 1967 after their mother married an American serviceman. In 1982, the two brothers attempted to rob a bank. The attempt was botched. During the attempt Karl fatally stabbed a bank manager. Both Karl and his brother were given the death sentence.
- German officials complained that they didn't learn of the brothers' case until 1992, eight years after they were



Hypo 3: Issues

- Does any international laws requires nations to notify consulates when foreign citizens have been arrested?
- If so, what is the name of the international law?



Hypo 3: Searching

- Right: try Westlaw: [Topical Materials by Area of Practice](#) > [International Law \(see also International/Worldwide Materials\)](#) > **International Agreements & Treaties** > [U.S. Treaties & Other International Agreements](#) Title search: consular relation
- Center: try Lexis: [Legal](#) > Area of Law – By Topic > [International Law](#) > [Treaties & International Agreements](#) > **U.S. Treaties on LEXIS**; Terms: "convention on consular relation" and germany
- Left: try TIARA US Treaties Researcher, title search



Hypo 4: International trade convention

- Shanghai Grain Import Co. entered a 2,000 ton wheat purchase contract with Missouri Wheat Export Co. The seller agreed to deliver the wheat in October 1999. Both parties failed to specify which country's law will apply to this sale contract. On September 20, 1999, the seller delivered 1,000 tons of wheat to the buyer. Because the buyer did not have the warehouse ready until October 1, 1999, the buyer had to rent a storage space for the wheat. On September 22, 1999, the wheat price in the international market plunged 40%. The buyer wanted to terminate the contract because the seller breached the contract term by delivering the wheat too early. The seller replied that the seller would deliver the rest of the wheat in October 1999 when the buyer's warehouse was ready and would be willing to pay for the storage rental for the first delivery made before October 1999.



Hypo 4 (continued)

- Is there any international treaty applicable? If so, which international treaty should be applied to the contract? If you find one, is the remedy provided by the seller reasonable according to the international treaty that you find? Which article do you find in the treaty?



Hypo 4: (continued)

- United Nations convention on contracts for the international sale of goods
- Where to search?
- Article 52 (1)



Hypo 4: Searching

- Right: try Westlaw: click on Directory -- Topical Materials by Area of Practice –
- Left: try Lexis



Hypo 4: Searching (continued)

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/5 contract