

Public International Law

A brief, introductory guide

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Introduction

This research guide covers basic tools for research in public international law. It is intended for students writing papers for classes or participating in international law moot court competitions. See the final section for more advice on international law research.

Sources of International Law

The Classic List: Statute of International Court of Justice, Article 38, § 1

- ♦ International conventions [*i.e.*, treaties and agreements].
- ♦ International custom, as evidence of a general practice accepted as law.
- ♦ The general principles of law recognized by civilized nations.
- ♦ Judicial decisions and the teachings of the most highly qualified publicists of the various nations, *as subsidiary means* for the determination of rules of law. (emphasis added.)

Restatement of the Law, the Foreign Relations Law of the United States §102

- ♦ Customary law, which “results from a general and consistent practice of states followed by them from a sense of legal obligation.”
- ♦ International agreements.
- ♦ General principles common to the major legal systems.

For more on the sources of international law, see any introduction to international law, or any of the longer guides to international law research listed at the end of this handout.

Best Overall Web Site

EISIL — Electronic Information System for International Law, <http://www.eisil.org/>
from the American Society of International Law.

Getting Started

Overviews & Basic Concepts

Max Planck Institute for Comparative Public Law and International Law, *Encyclopedia of Public International Law* (North-Holland, 1992-) JX 1226 .E5 1992 Law Reference.

Terminology

John P. Grant & J. Craig Barker, *Parry and Grant Encyclopaedic Dictionary of International Law*, 2nd ed. (Oceana Publications, 2004) JX 1226 .P33 2004 Law Reference.

James R. Fox, *Dictionary of International and Comparative Law*, 3rd ed. (Oceana Publications, c2003.) KZ 1161 .F69 2003 Law Reference.

Background in Greater Depth — Selected Books

Ian Brownlie, *Principles of Public International Law*, 6th ed. (Oxford University Press, 2003)
JX 3225 .B78 2003 Law Stacks.

L. Oppenheim, *Oppenheim's International Law*, 9th ed. (Longman, 1996 [i.e. 1997])
KZ 3264 .I6 1996 Law Stacks.

J. L. Brierly, *The Law of Nations: An Introduction to the International Law of Peace*, 6th ed. (Waldock ed.)
(Oxford University Press, c1963) KZ 3225 .B7 L28 1963 Law Stacks.

Restatement of the Law, the Foreign Relations Law of the United States (American Law Institute Pub., 1987.)
KF 4651 .R47 1987 Law Reserve.

David J. Bederman, *International Law Frameworks*, 2nd ed. (Foundation Press Thomson/West, 2006)
KZ 3410 .B43 2006 Law Open Reserve. (This useful but non-scholarly book is part of the “Concepts and Insights” series.)

Sean D. Murphy, *Principles of International Law* (Thomson/West, c2006) KZ 3410 .M88 2006
Law Open Reserve. (This useful but non-scholarly book is part of the “Concise Hornbook” series.)

Background in Greater Depth — Articles

To find articles bearing on this year's Jessup problem, consider searching:

- ◆ The full-text law review articles on Lexis and/or Westlaw
- ◆ Index to Legal Periodicals (via Lexis or Westlaw),
or, for pre-1980 articles, Index to Legal Periodicals via its publishers' web site
- ◆ Legal Resource Index (via Lexis or Westlaw)
- ◆ Index to Foreign Legal Periodicals

For more information about these article-finding tools see the handout, “Finding Law Review Articles.”

Finding More Books

Many of the books, article and web sites you find will contain lists of suggested readings (“bibliographies”). To find more books at USF, search Ignacio (<http://ignacio.usfca.edu>) by key word or subject. You can also try browsing the call number KZ on the lower level of the Zief Library.

Jessup Competition Materials from Previous Years

In print: *Philip C. Jessup International Law Moot Court Competition* (W.S. Hein, 1981-) KZ 1237 .P55
Law Stacks. Covers 1960 to the present.

Via HeinOnline: Start at: <http://www.usfca.edu/library/databases/heinonline.html>. Connect to HeinOnline, then select the “Philip C. Jessup Library.” Also covers 1960 to the present.

International Legal Materials

In print at Zief: K 9 .N57 Law Stacks (lower level)

Online as part of HeinOnline's Treaties & Agreements Library: <http://www.usfca.edu/library/databases/heinonline.html>. ILM reprints selected important treaties, decisions, and other documents.

Finding Treaties

See the separate “Treaty Research” handout.

Finding United Nations Documents and Information

A good overview of the United Nations: *United Nations Handbook* (Wellington, N.Z.: Ministry of Foreign Affairs, 1973-) JX 1977.A37 U54 Law Reference.

United Nations Documents and Web Sites

UN Documentation Centre: <http://www.un.org/documents/>. Good for browsing.

Official Document System of the United Nations: <http://documents.un.org/>. Good search engines.

AccessUN: <http://infoweb.newsbank.com/>. A finding-tool for United Nations documents from 1945 to the present. Many of the documents themselves are available on microfiche on the lower level of the Zief Library. (On-campus access only; no remote access.)

Locator for UN System web sites: <http://www.unsystem.org/en/>.

International Law Commission: <http://www.un.org/law/ilc/>.

UN human rights bodies: <http://www.ohchr.org/english/bodies/>.

Research Guides to United Nations Documents

United Nations Dag Hammarskjöld Library, "United Nations Documentation: Research Guide"
<http://www.un.org/Depts/dhl/resguide/>.

Wiltrud Harms, "Selected U.N. Resources and Research Tools: Overview and Search Tips for Legal Research," http://www.nyulawglobal.org/globalex/UN_Resources_Research_Tools.htm

Finding Other International & Regional Organization Information

Start at EISIL (<http://www.eisil.org/>). Select the "International Organizations" link on home page.

State Practice — United States

These are commonly-cited sources for determining the practice of the United States. Many of them are available in HeinOnline's Foreign & International Law Resources Database.

Francis Wharton, *A Digest of the International Law of the United States ...* (Govt. Printing Off., 1886.) JX 237 .W5 1886 Law Compact Storage.

John Bassett Moore, *A Digest of International Law ...* (Govt. Printing Off., 1906) JX 237 .M66 1906 Law Compact Storage. Covers 1776-1906.

Green Haywood Hackworth, *Digest of International Law*. (U.S. Govt. Print. Off., 1940-1944) JX 237.H3 Law Compact Storage. Covers 1906-1939

Marjorie M. Whiteman, *Digest of International Law* (U.S. Dept. of State / U.S. Govt. Print. Off., 1963-1973) JX 237 .W5 Law Compact Storage. Covers the 1940 - 1960.

Digest of United States Practice in International Law (Office of the Legal Adviser, Dept. of State: For sale by the Supt. of Docs., U.S. G.P.O., 1974-1980) KZ 21 .R68 1973 Law Stacks. 1973-1980.

Cumulative Digest of United States Practice in International Law (Office of the Legal Adviser, Dept. of State, [1993-1995]) KZ 21 .R68 1981-88 Law Stacks. 1981-1988

Digest of United States Practice in International Law (2000) (International Law Institute, c2001-) KZ 21 .R68 Law Stacks. 1989/90 -

Sean D. Murphy, *United States Practice in International Law* (Cambridge University Press, 2002-) KF 4581 .M87 2002. USF currently has the first of two volumes.

United States. Dept. of State. *Foreign Relations of the United States* (Departmental ed.) (U.S. G.P.O., 1948-) JX 233 .A3 U58 1969 Gleeson Stacks. (Gleeson's set is not complete.)

Selected portions are on the State Department web site: <http://www.state.gov/r/pa/ho/frus/>. The Univ. of Wisconsin has a digital version of FRUS from 1861-1960 at <http://digicoll.library.wisc.edu/FRUS/>.

The "Contemporary Practice of the United States..." section in each issue of the *American Journal of International Law*, K 1 .M456 Law Stacks.

Domestic Laws & State Practice of Foreign Nations

- ♦ Zief Library research guide "Researching Foreign Legal Systems"

For constitutions see:

- ♦ Library of Congress's Guide to Law Online: Nations of the World <http://www.loc.gov/law/help/guide/nations.html>.
- ♦ *Constitutions of the Countries of the World* (Oceana Publications, 1971-) K 3157 .A2 B58 Law Stacks.

The Zief Library does not have an extensive collection of works detailing the practice of other countries, but these sources are available in print at the library:

- ♦ Ralph Gaebler & Maria Smolka-Day, eds., *Sources of State Practice in International Law* (Transnational Publishers, c2002-) KZ 64 .S67 2002 Law Reference.
- ♦ *Yearbook of the International Law Commission*, KZ 1287 .U55 Y4 Law Stacks (and on the ILC's web site at: <http://untreaty.un.org/ilc/publications/yearbooks/yearbooks.htm>)
- ♦ *Asian Yearbook of International Law*, vol. 1 - . KZ 21 .A83 Law Stacks.
- ♦ *The British Year Book of International Law*, vol. 1 - . K 2 .R57 Law Compact Storage & Law Stacks.
- ♦ *The Canadian Yearbook of International Law*, vol. 1 - . K 3 .A74 Law Compact Storage & Law Stacks.
- ♦ *South African Yearbook of International Law*, vol. 1 - . K 23 .O73 Law Stacks.

These and other yearbooks are available in the "International Yearbooks and Periodicals" section of the Foreign & International Law Resources Database on HeinOnline.

Court Decisions & Arbitral Awards

International Court of Justice (<http://www.icj-cij.org/>) Decisions

International Court of Justice, *Recueil des Arrêts, Avis Consultatifs et Ordonnances. Reports of Judgments, Advisory Opinions and Orders* KZ 214 .I58 Law Stacks.

ICJ decisions on the web: <http://www.icj-cij.org/docket/index.php?p1=3>.

ICJ decisions on Westlaw: "International Law - International Court of Justice" (INT-ICJ) database.

About the ICJ

Rosenne's The World Court: What It Is and How It Works, 6th completely rev. ed. (M. Nijhoff Publishers, c2003) KZ 6260 .R67 2003 Law Stacks.

PCIJ Permanent Court of International Justice (1921-1945/6) Decisions

World Court Reports: A Collection of the Judgments, Orders, and Opinions of the Permanent Court of International Justice (Carnegie Endowment for International Peace, 1934-1943) KZ 209 1934 Law Stacks

Publications de la Cour Permanente de Justice Internationale. Serie A. Recueil des Arrêts = Publications of the Permanent Court of International Justice: Series A: Collection of Judgments. (W.S. Hein, 1996) KZ 6260 .P47A 1996 Law Stacks. Covers 1923-1930.

Recueil des Avis Consultatifs. Serie B: Publications de la Cour Permanente de Justice Internationale = Collection of Advisory Opinions: Publications of the Permanent Court of International Justice. (W.S. Hein, 1996) KZ 6260 .P47B 1996 Law Stacks. Covers 1922-1930.

Publications of the Permanent Court of International Justice [microfilm] (Research Publications, [1975]) Film cabinet 3, drawer 8. Contents: Ser. A. Judgments (2 reels) — Ser. A/B. Judgments, orders, advisory opinions (3 reels) — Ser. B. Advisory opinions (1 reel) — Ser. C. Pleadings, oral statements, documents (23 reels) — Ser. D. Acts & documents (3 reels) — Ser. E. Annual reports (3 reels) — Ser. F. General indexes (1 reel)

PCIJ decisions on the web: <http://www.icj-cij.org/pcij/index.php?p1=9>. (Hosted by the Int'l Court of Justice.)

PCIJ decisions on HeinOnline (<http://www.usfca.edu/library/databases/heinonline.html>): Select the "Foreign & International Law Resources Database," then select "Part III: International Tribunals/Judicial Decisions."

Other International Courts

Start at EISIL (<http://www.eisil.org/>) and follow this path: General International Law > Courts & Tribunals.

Decisions of Various Jurisdictions (National and International)

International Law Reports, KZ 64 .I55 Law Stacks, 1919 – present. International judicial and arbitral decisions; some national court decisions. An index covers vols. 1 - 80; a table of treaties covers vols. 1 - 125.

American International Law Cases, 1783-1968., KZ 238.A2 A54 1971 Law Stacks. *American International Law Cases, 1969-1978*, KZ 238.A2 A54 198 Law Stacks. *American International Law Cases*, Second series, 1979-1986, KZ 238.A2 A54 1986 Law Stacks. *American International Law Cases*, Third series, 1986-present, KZ 238.A2 A54 1993 Law Stacks. Reprints cases published by West in the National Reporter system.

i.lex (<http://ilex.asil.org/>), a project of the American Society of International Law, lets you find selected cases from United States state and federal courts that interpret or apply international law.

Arbitral Awards

Reports of International Arbitral Awards = Recueil des Sentences Arbitrales (W.S. Hein, 1997-) KZ 6124 .R475 Law Stacks. Latest at Zief Library is volume 22. Latest at UC Berkeley's Boalt Library is vol. 28 (Boalt Law Library UN Room KZ 5105 .R46).

Reports of International Arbitral Awards are also available in HeinOnline's Foreign & International Law Resources Database. Latest available is vol. 28.

Permanent Court of Arbitration <http://www.pca-cpa.org/>.

More Advice on Researching Public International Law

Web Guides

"Introduction to International Law Research," Georgetown Law Library:

<http://www.ll.georgetown.edu/intl/guides/InternationalLaw.cfm>.

"International Law Research Tutorial," Duke Law School & U.C. Berkeley School of Law:

<http://www.law.duke.edu/ilrt/>

ASIL Guide to Electronic Resources for International Law: <http://www.asil.org/erghome.cfm>.

"International Law Research" category at GlobalLex (<http://www.nyulawglobal.org/globallex/>), especially Vicenç Feliú's "Public International Law Research" (http://www.nyulawglobal.org/globallex/Public_International_Law_Research.htm) and Silke Sahl's "Researching Customary International Law, State Practice and the Pronouncements of States regarding International Law" (http://www.nyulawglobal.org/globallex/Customary_International_Law.htm).

NYU Law Library Guide to Foreign & International Legal Databases

<http://www.law.nyu.edu/library/research/foreigninternationaldatabases/>.

Books

Marci B. Hoffman & Robert C. Berring, *International Legal Research in a Nutshell* (Thomson/West, c2008)
KZ 1234 .H64 2008 Law Open Reserve.

Morris L. Cohen & Kent C. Olson, *Legal Research in a Nutshell*, 9th ed. (Thomson/West, c2007)
KF 240 .C54 2007 Law Reserve. Chapter 11, "International Law."

Roy M. Mersky & Donald J. Dunn, *Fundamentals of Legal Research*, 8th ed. (Foundation Press, 2002)
KF 240 .J32 2002 Law Reference. Chapter 20, "International Law."

George Washington Journal of International Law and Economics, *Guide to International Legal Research*, 2006
ed. (Butterworths Legal Publishers, c1990-) KZ 1234 .G85 2006 Law Reference Desk.

Ellen G. Schaffer & Randall J. Snyder, eds., *Contemporary Practice of Public International Law* (Oceana
Publications, c1997.) KZ 1234 .C66 1997 Law Reference Desk.

A Possible Plan of Attack?

- ◆ Use these three sources:
Encyclopedia of Public International Law,
Parry and Grant Encyclopaedic Dictionary of International Law,
EISIL —
 - ◆ to familiarize yourself with main concepts, documents, cases.
 - ◆ to get citations for further research.
- ◆ Retrieve the text of any treaties/agreements.
- ◆ Look for books for in-depth discussions of:
 - ◆ main concepts.
 - ◆ specific aspects of the problem.Mine books for citations to useful documents, cases, articles, etc.
- ◆ Look for articles dealing with the issues raised by the problem.
Mine the articles' footnotes for citations to useful documents, cases, articles, etc.
- ◆ Retrieve the text of any relevant documents and/or cases.
- ◆ Consult Zief reference librarians at any point in the process (415.422.6773).