

Recommended citation:¹

Am. Soc’y Int’l L., “Research Resources,” in
Benchbook on International Law § IV.B (Diane Marie Amann ed., 2014), available at
www.asil.org/benchbook/research.pdf

IV.B. Research Resources

Research resources that may aid decision in cases with a transnational dimension include online databases and print materials.

1. Restatements and Other Print Resources

Various print resources are discussed below.

a. Restatements

Numerous *Restatements* include coverage of issues surveyed in this *Benchbook*. Two are discussed in turn below.

i. Foreign Relations Restatement

A comprehensive digest of international law principles may be found in the American Law Institute’s *Restatement (Third) of the Foreign Relations Law of the United States* (1987).² Like other American Law Institute projects, this *Restatement* reflects years of compilation and analysis by a committee of leading experts in the field; accordingly, U.S. courts frequently have consulted it on matters of international law. Recent Supreme Court judgments citing the *Restatement* include:

- *Republic of Philippines v. Pimentel*, 553 U.S. 851, 868 (2008) (Kennedy, J., in a portion of the opinion for the Court joined by Roberts, C.J., and Scalia, Thomas, Ginsburg, Breyer, Alito, and Souter, JJ)
- *F. Hoffman-La Roche Ltd. v. Empagran S.A.*, 542 U.S. 155, 164-65 (2004) (opinion for the Court by Breyer, J., joined by Rehnquist, C.J., and Stevens, Kennedy, Souter, and Ginsburg, JJ.)

That said, although the *Restatement* is updated with an annual supplement, its core volumes date to a quarter-century ago – a quarter-century of rapid globalization and rapid changes in the international and transnational legal landscape. See generally Michael Traynor, *The Future of Foreign Relations Law of the United States*, 18 Sw. J. Int’l L. 5 (2011). For this reason,

¹ For what this section contains, see the Detailed Table of Contents, <http://www.asil.org/benchbook/detailtoc.pdf>.

² In a few instances, resort to an earlier version, the *Restatement (Second) of the Foreign Relations Law of the United States* (1965), may be advised. This is particularly the case with regard to some immunities doctrines, as detailed *supra* § II.B.

provisions of the *Restatement* should be read with the caveat that some information may be out of date. Consultation of multiple resources is thus essential.

In 2012, the American Law Institute began work on a fourth *Restatement* in this area. Coordinating Reporters for the project are Professor Paul B. Stephan, University of Virginia School of Law (who also has contributed to preparation of this *Benchbook*), and Professor Sarah H. Cleveland, Columbia Law School; the full participants' list is at American Law Institute, *Current Projects*, <http://www.ali.org/index.cfm?fuseaction=projects.members&projectid=28> (last visited Dec. 9, 2013).

ii. Arbitration Restatement Project

As detailed *supra* § III.A, a multiyear drafting process is under way for an initial compilation on arbitration, to be titled the *Restatement (Third) of the U.S. Law of International Commercial Arbitration*. Information about the project, including the text of tentative drafts, may be found at American Law Institute, *Current Projects*, http://www.ali.org/index.cfm?fuseaction=projects.proj_ip&projectid=20 (last visited Dec. 9, 2013).

b. Additional Print Resources

Print resources providing brief introductions to international law include:

- Sean D. Murphy, *Principles of International Law* (2d ed., 2012)
- Curtis Bradley, *International Law in the U.S. Legal System* (2013)
- Anthony Aust, *Modern Treaty Law and Practice* (2d ed., 2007)
- Jordan J. Paust, *International Law as Law of the United States* (2d ed., 2003)
- Mark W. Janis, *International Law* (6th ed., 2012)
- David J. Bederman with Christopher J. Borgen & David A. Martin, *International Law: A Handbook for Judges* (American Society of International Law, 2003)
- *Nutshells* on international law and its subfields

2. Online Databases

Many online sources provide aids to international legal research. Several of these sites, each last visited on Dec. 9, 2013, are listed below.

a. Databases Maintained by the United Nations

Information about many treaties – including negotiating history and other background,

full text of the treaty and related documents, and ratification status – may be found at numerous websites maintained by the United Nations. For example:

- U.N. Treaty Collection database, <http://treaties.un.org/Home.aspx?lang=en>
- Historic Archives, Audiovisual Library of International Law, <http://untreaty.un.org/cod/avl/historicarchives.html>
- Research Library, Audiovisual Library of International Law, <http://untreaty.un.org/cod/avl/researchlibrary.html>
- United Nations Legal Publications Global Search (encompassing all U.N. yearbooks and reports and summaries of practices, arbitral awards, and judgments by bodies within the U.N. system), <http://www.un.org/law/UNlegalpublications/index.html>

b. U.S. Department of State *Digest of U.S. Practice*

The most recent edition, as well as decades of past editions, of the *Digest of United States Practice in International Law*, a publication of the U.S. Department of State, Office of the Legal Adviser, may be accessed at <http://www.state.gov/s/l/2011/index.htm>.

As stated at that page, the *Digest* is intended “to provide the public with a historical record of the views and practice of the Government of the United States in public and private international law.”

c. Comprehensive Databases

Numerous sites compile source materials, laws, and decisions from the legal systems of many countries and international entities, sometimes grouped according to specific subfields of international law. These include:

- *Electronic Information System for International Law*, or EISIL, maintained by the American Society of International Law at <http://www.eisil.org/>. A useful source organized according to topics, such as Private International Law and International Human Rights.
- *Hague Conference on Private International Law*, at http://www.hcch.net/index_en.php. The Hague Conference, also known as HCCH, is an international, intergovernmental organization that works to develop multilateral legal instruments related to civil matters (including international family law), international legal cooperation, and commercial law. This website lists all treaties in force or concluded under HCCH auspices, including those to which the United States is a party. The database also contains preparatory and interpretive reports.
- *Private International Law*, maintained by the U.S. Department of State, at <http://www.state.gov/s/l/c3452.htm>. This site complements the just-described database of

the Hague Conference on Private International Law.

- *Global Legal Monitor*, maintained by the Law Library of Congress, at http://www.loc.gov/lawweb/servlet/lloc_news?home. This site is compiled by lawyers in residence who are legal specialists from countries around the world. It provides regional and national legal news and developments, such as English summaries of important international law cases and legislative developments.
- *International Law Library*, maintained by the World Legal Information Institute, at <http://www.worldlii.org/int/special/ihl/>.

d. Databases Organized by Country or Region

Online resources that collect legislation, decisions, and practices of countries or regions include:

- *World Legal Information Institute*, at <http://www.worldlii.org/>. Unique among free online resources, this database has a LawCite module for generating a list of international law cases that cite other cases (including from national courts), as well as journal articles. It is a type of “Shepardizing” function for cases within the database.
- *Juriglobe – World Legal Systems*, maintained by the University of Ottawa in Canada, at <http://www.juriglobe.ca/eng/index.php>. This site provides context for legal systems of the world, via text and an interactive map. The database includes the civil law as well as the common law tradition, as well as statistical information on various systems.
- *Oxford Reports on International Law*, maintained by Oxford University Press, at <http://www.oxfordlawreports.com/>. This is a searchable, regularly updated database of summaries of decisions applying international law, rendered by courts in many national systems. As detailed at the site, the database is for paid subscribers. Free trial subscriptions are available.
- Laws and decisions of other countries may be found, in English, at, for example:
 - Australia: <http://www.austlii.edu.au/>
 - Canada: <http://www.canlii.org/en/index.php>
<http://www.scc-csc.gc.ca/decisions/index-eng.asp>
 - France: <http://www.worldlii.org/fr/>
<http://www.legifrance.gouv.fr/Traductions/en-English/Legifrance-translations>
 - Germany: <http://www.iuscomp.org/gla/>
 - India: <http://liiofindia.org/>

<http://judis.nic.in/supremecourt/chejudis.asp>

- Ireland: <http://www.bailii.org/>
<http://www.courts.ie/Judgments.nsf/>
- Israel: <http://elyon1.court.gov.il/eng/home/index.html>
- New Zealand: <http://www.nzlii.org/>
- United Kingdom: <http://www.bailii.org/>
<http://www.supremecourt.gov.uk/decided-cases/index.html>

e. Databases on Regional or International Courts or Tribunals

Websites compiling decisions and other information on international courts or tribunals include:

- *Project on International Courts and Tribunals*, at <http://www.pict-pecti.org/index.html>. This database includes descriptions of myriad international courts and tribunals; for example, the International Court of Justice, the International Tribunal for the Law of the Sea, the World Trade Organization dispute settlement bodies, the International Criminal Court and *ad hoc* tribunals concerned international criminal law, regional human rights courts, and arbitration panels.
- English-language judgments issued by selected regional and international entities are available at:
 - African Commission on Human and Peoples' Rights,
http://www.achpr.org/english/_info/decisions_en.html
 - African Court on Human and Peoples' Rights,
<http://www.african-court.org/en/#>
 - European Court of Human Rights,
http://www.echr.coe.int/ECHR/Homepage_EN
 - European Court of Justice,
http://curia.europa.eu/jcms/jcms/T5_5123/
 - Inter-American Court of Human Rights,
<http://www.corteidh.or.cr/index.php/en/jurisprudencia>
 - Inter-American Commission on Human Rights,
<http://www.cidh.oas.org/casos.eng.htm>
 - International Criminal Court,

http://www.icc-cpi.int/EN_Menus/ICC/Pages/default.aspx

- International Court of Justice,
<http://www.icj-cij.org/homepage/index.php>
- International Tribunal on the Law of the Sea,
<http://www.itlos.org/index.php?id=10&L=0>
- World Trade Organization dispute settlement bodies,
http://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm

f. Databases on Specific Topics

Databases dealing with specific subfields of international law or topics within those subfields include:

- *ASIL Insights*, produced by the American Society of International Law, at <http://www.asil.org/insights>. *Insights* are timely and brief casenotes or comments that outline the content and significance of major international decisions and developments.
- *Human Rights Treaties and Jurisprudence – Selected Resources*, maintained by Northwestern University School of Law, at <http://www.law.northwestern.edu/library/coursesupport/instructionalservices/instructionalmaterials/hrjurisprudence/>.

Death Penalty Worldwide, maintained by Northwestern University School of Law, at <http://www.deathpenaltyworldwide.org/>. This site provides English-language summaries, status, and details on capital punishment in legal systems around the world.