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). 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:


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,
provisions of the *Restatement* should be read with the caveat that some information may be out of date. Consultation of multiples 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:

- Curtis Bradley, *International Law in the U.S. Legal System* (2013)

- *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:

- 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/
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-pcti.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:
  - European Court of Human Rights, http://www.echr.coe.int/ECHR/Homepage_EN
  - International Criminal Court,
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.


*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.